




DATE: September 17, 2012

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – September 26, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 26, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

#### COMMITTEE MEETINGS

##### *Metro Water Planning Committee*

- 1. Brown's Creek Watershed District Amendment to Watershed Management Plan -**  
The Brown's Creek Watershed District (District) was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order. **DECISION ITEM**
- 2. Black Dog Watershed Management Organization Revised Watershed Management Plan -**  
The Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the revised Plan per the attached draft Order. **DECISION ITEM**

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Mankato</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445	1160 Victory Drive South Suite 5 Mankato, MN 56601 (507) 389-6784	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	3555 9 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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**Northern Water Planning Committee**

1. **Cook County Priority Concerns Scoping Document** - The Cook County Board of Commissioners adopted a resolution March 22, 2011 to revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist at the September 12, 2012 Northern Water Planning Plan Committee meeting. The Northern Water Planning Committee unanimously recommended approval by the full BWSR Board at their meeting. **DECISION ITEM**
2. **Mille Lacs County Five Year Plan Amendment** - On August 24<sup>th</sup>, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3<sup>rd</sup>, 2011, the county passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommended approval of the update through December 2016. **DECISION ITEM**
3. **Sherburne County Five Year Plan Amendment** - On August 24<sup>th</sup>, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted the Brainerd field office on July 31st, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of the update through December 2016. **DECISION ITEM**
4. **Red River Basin Watershed District Plan Expiration Date Extension** - In the interest of promoting greater coordination of the MPCA's efforts to assess the water quality of the states 81 major watersheds with that of watershed district and county local comprehensive water management planning efforts in the Red River Basin a resolution to allow for the extension of plan expirations dates of these plans is presented to the BWSR for consideration. **DECISION ITEM**
5. **Wilkin County CLWM Five-Year Update Extension** - Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014. The extra time will enable the Wilkin Local Water Plan and Buffalo Red River Watershed District Plan Update to happen simultaneously. **DECISION ITEM**

**NEW BUSINESS**

1. **Clean Water Council Budget Development Process** – Keith Hanson, CWC Chairman, will present information on the Clean Water Fund proposed budget recommendation for the 2014-2015 biennium. **INFORMATION ITEM**



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2. **Grants Monitoring Report** – This item was tabled at the June 27, 2012 Board Meeting; at the August 23, 2012 Board Meeting John Jaschke stated that the Grants Monitoring Report will be expected on the agenda at the September Board Meeting.  
***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on September 26th!



**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, SEPTEMBER 26, 2012**

**PRELIMINARY AGENDA**

**9:00 AM      CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF AUGUST 23, 2012 BOARD MEETING**

**PUBLIC ACCESS FORUM** (10-minute agenda time, two-minute limit/person)

**CONFLICT OF INTEREST DECLARATION**

**INTRODUCTION OF NEW BWSR STAFF**

- Tim Gillette, Conservation Drainage Engineer
- Tim Koehler, RIM Program Coordinator
- Dennis Rodacker, Senior Wetland Specialist

**REPORTS**

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

1. Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***
2. Black Dog WMO Watershed Management Plan Revision – Melissa Lewis – ***DECISION ITEM***

***Northern Water Planning Committee***

1. Cook County Priority Concerns Scoping Document – Quentin Fairbanks – ***DECISION ITEM***
2. Mille Lacs County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***



3. Sherburne County Five Year Plan Amendment – Quentin Fairbanks -  
***DECISION ITEM***
4. Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann – ***DECISION ITEM***
5. Wilkin County CLWM Five-Year Update Extension – Rob Sip – ***DECISION ITEM***

#### **NEW BUSINESS**

1. Clean Water Council Budget Development Process – Keith Hanson, Chairman, Clean Water Council - ***INFORMATION ITEM***
2. Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***

#### **AGENCY REPORTS**

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

#### **ADVISORY COMMENTS**

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Krista Olson

#### **UPCOMING MEETINGS**

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26<sup>th</sup> Board Meeting
- PROSP Committee: TBD

Noon

**ADJOURN**



**BOARD OF WATER AND SOIL RESOURCES  
RAMADA INN  
CHAPARRAL/FRONTIER CONFERENCE ROOM  
1500 EAST COLLEGE DRIVE  
MARSHALL, MINNESOTA  
AUGUST 23, 2012**

**BOARD MEMBERS PRESENT:**

Bob Burandt, Joe Collins, Jack Ditmore, Chis Elvrum, MDH; Rebecca Flood, MPCA;  
Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Keith Mykleseth, Brian Napstad, Rob  
Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

**BOARD MEMBERS ABSENT:**

Quentin Fairbanks  
Todd Foster  
Tom Landwehr, DNR  
Tom Loveall  
John Meyer  
Faye Sleeper, MES

**STAFF PRESENT:**

Mary Jo Anderson, John Jaschke, Jen Maleitzke, Jeff Nielsen, Kane Radel, David Sill

**OTHERS PRESENT:**

Kathryn Kelly, MASWCD  
Tom Kresko, DNR



Chair Napstad called the meeting to order at 9:05 a.m.

#### PLEDGE OF ALLEGIANCE

\*\*  
12-65 **ADOPT AGENDA** – Chair Napstad reported that an additional agenda item has been added under New Business - Wetland Conservation Act Alternative Emergency Standards. Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the agenda with the additional agenda item. Jack Ditmore asked about the status of the Grants Monitoring Report that was tabled at the June Board meeting. John Jaschke stated that the Grants Monitoring Report will be expected on the agenda at the September Board meeting. Motion passed on a voice vote.

\*\*  
12-66 **MINUTES OF JUNE 27, 2012 BOARD MEETING** – Moved by Christy Jo Fogarty, seconded by Paul Langseth, to approve the minutes of June 27, 2012. Rebecca Flood would like an addition added to her report, on page 12, it should read, "Rebecca Flood reported that the Lake Pepin and Minnesota River sediment TMDL comment period for public input is nearing the end." Motion passed on a voice vote.

#### CONFLICT OF INTEREST DECLARATION

Chair Napstad stated that the declaration process is being used today; he explained that the upcoming agenda item "Preliminary 2012 Flood Response" needs the Conflict of Interest Declaration form submitted.

Chair Napstad read the statement:

*"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."*

Chair Napstad asked that board members submit their completed Conflict of Interest Declaration forms to John Jaschke.

#### REPORTS

**Chair's Report** – Brian Napstad reported that he was absent from the June 27<sup>th</sup> BWSR Board Meeting due to flooding in his area; he thanked Gerry VanAmburg for chairing the meeting. Brian reported that the flooding in Aitkin County closed roads, and caused other problems. They will get through it with the support of others.

Chair Napstad reported that he attended the EQB Meeting on June 19-20. Chair Napstad has been attending all EQB Meetings to accomplish the Governor's Executive Order. Chair Napstad stated that once again BWSR staff have stepped up to the plate to carry out the Order. Brian Napstad has been appointed as Vice-Chair of the EQB.



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Chair Napstad thanked Mary Jo Anderson for coordinating all of the logistics for the Board tour and meeting, and he thanked BWSR staff for their assistance with the excellent tour yesterday. He also thanked Kerry Netzke, Pauline VanOverbeke, and John Biren, for their leadership in planning the tour.

**Administrative Advisory Committee (AAC)** – Chair Napstad reported that the AAC met this morning to discuss the Flood Relief Cost Share Disaster Recovery Program Policy and Resolution; and the Wetland Conservation Act Alternative Emergency Standards. These items are on the agenda later today.

**Executive Director's Report** – John Jaschke thanked BWSR staff, Area II, Lincoln and Lyon SWCDs/Counties for planning the excellent tour yesterday.

John reviewed information in Board Members' packets.

John reported that a meeting has been scheduled for August 27, 2012 from 9:00 a.m. to 3:00 p.m. at the Stearns SWCD in St. Cloud to review the proposed Cost-Share and Reinvest in Minnesota Reserve Rules. The meeting invitation was extended to SWCD supervisors and managers, and other local government officials. This meeting is as an opportunity to meet as an outreach effort and go through the rule line by line for clarification and improvements.

Keith Mykleseth noted that the listing of BWSR Advisory Members needs to be updated. John stated that staff will update.

John introduced Jen Maleitzke, Communications Director. Jen's work was noted as an asset to the agency.

John provided a status report on the PRAP Assistance Grants as requested by the Board. John reported that under the new authorization for PRAP Assistance Grants, BWSR has issued a PRAP Assistance Grant to the McLeod SWCD. This grant will fund half of an interagency agreement with the Carver SWCD for assistance with accounting system set-up.

John presented the Drainage Work Group report on behalf of Tom Loveall.

John explained that the Governor's Executive Order 12-4: Supporting and Strengthening the Implementation of the State's Wetland Policy is a project being pursued after intense legislative debate over specific changes to the Wetland Conservation Act that were considered 2012, some of which were enacted. The time frame remaining is very limited and no budget resources were appropriated to complete this project. At the



same time there are a range of concurrent stakeholder processes that require time and energy from many of the key stakeholders. This effort will seek to achieve efficiency with targeted and focused stakeholder input opportunities. It is assumed that diverse voices from different sectors and regions of the state will help BWSR and cooperating agency staff frame and develop recommendations quickly. Meetings will be held statewide. Chair Napstad encouraged board members attendance at the meetings in their area.

John provided a staffing update. BWSR is going through the hiring process for the vacant assistant director position held by Julie Blackburn. The posting for the vacancy closed on August 20. Also, going through the hiring process for Kyle Skov's drainage engineering position; and two engineering technicians. The wetland specialist position in Rochester is vacant. The vacancy occurred due to Mary Kells, Board Conservationist in Rochester, moving to St. Paul to fill the vacant metro board conservationist position. Steve Lawler, wetland specialist in the Rochester office, took Mary Kells position.

**Dispute Resolution Committee** – Gerald Van Amburg reported that settlement discussions continue on appeal #09-13, an exemption decision in Ottertail County. John reported that the WCA appeal of a restoration order in Waseca County, filed with the Minnesota Court of Appeals will not move forward to the Supreme Court. BWSR concurred with the landowner, and the Appeals Court validated BWSR's decision.

#### **COMMITTEE RECOMMENDATIONS**

##### ***Southern Water Planning Committee***

**Cottonwood County Local Water Management Plan Amendment** – Paul Langseth reported that BWSR approved the Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012. Cottonwood County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, 2012 to review the Cottonwood County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Cottonwood County 2012 - 2017 Local Water Management Plan Addendum. Motion passed on a voice vote.

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12-67

**Freeborn County Local Water Management Plan Amendment** – Paul Langseth reported that the Board approved the Freeborn County 2006 - 2015 Comprehensive Water Management Plan on August 24, 2006. The Plan contains an implementation section with goals, objectives and actions to address the County's priority concerns. The Board Order required Freeborn County to update the Plan's implementation section



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- by December 31, 2011. Freeborn County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21, reviewed the Freeborn County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Freeborn County 2011 - 2015 Local Water Management Plan Amendment. Discussion followed. Jack Ditmore asked for staff review of consistency in the dates on the Findings of Fact in the Plan Order. Motion passed on a voice vote.
- \*\* 12-68

- Houston County CLWMP Five-Year Update Extension Request** – Paul Langseth reported that Houston County currently has a Comprehensive Local Water Management Plan that will expire in December 2017. On March 21, 2012, Houston County approved and submitted a resolution requesting an extension of their required five-year update to the implementation section of their Plan. BWSR staff reviewed this request and recommends approval. The Southern Water Planning Committee reviewed the extension request at their August 21<sup>st</sup> meeting and recommends approval of the extension. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the two-year extension of the Houston County plan amendment. Discussion followed. Paul noted that there are different laws for watershed district plans, county plans, and metro Water Management Organizations plans are also different. Motion passed on a voice vote.
- \*\* 12-69

- Murray County Local Water Management Plan Amendment** – Paul Langseth reported that the Board approved the Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012. Murray County followed the amendment process guidelines established. The Southern Water Planning Committee met on August 21<sup>st</sup>, reviewed the Murray County Plan Addendum and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Murray County 2012 - 2017 Local Water Management Plan Amendment. Rebecca Flood noted that the Clean Water Act Section is actually Section 303, not Section 202 as listed. Motion passed on a voice vote.
- \*\* 12-70

- Wabasha County CLWMP Extension Request** – Paul Langseth reported that Wabasha County currently has a Comprehensive Local Water Management Plan that will expire in December 2012. On June 28, 2012, Wabasha County approved and submitted a resolution requesting an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. This extension request was reviewed by the Southern Water Planning Committee on August 21<sup>st</sup> and recommends approval of the two-year extension of the Plan. Jeff Nielsen explained the disarray in Wabasha County. Keith Mykleseth suggested PRAP. Moved by Paul Langseth, seconded by Rob Sip, to approve the Wabasha County Comprehensive Local Water Management Plan extension until December 31, 2014. Motion passed on a voice vote.
- \*\* 12-71



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Chair Napstad called for a break in the meeting at 10:27 a.m. The meeting reconvened at 10:45 a.m.

**NEW BUSINESS**

**Establishment of An Audit Committee** – John Jaschke reported that the Board is authorized by Minnesota Statutes 103B.101 to “adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law”; and to assess “board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management”. John reported that Tim Dykstal, BWSR Internal Control Coordinator, developed the Audit Committee Charter. BWSR staff and the Administrative Advisory Committee recommend approval of the establishment of an Audit Committee. An Audit Committee would appraise the effectiveness of the agency’s internal controls and risk assessment, provides an avenue of communication between BWSR’s internal audit function and external auditors, management, and the Board, and receives reports on BWSR’s fiscal compliance.

- \*\*  
12-72 Moved by Jack Ditmore, seconded by Paul Langseth, to approve the establishment of an Audit Committee. Motion passed on a voice vote. Chair Napstad asked board members to contact him if interested in being a member of the Audit Committee.

The Conflict of Interest Declaration forms were submitted and will be filed for the grant decision item. Chair Napstad declared a potential or perceived conflict of interest due to the flood affecting his professional and personal matters even though he has no known conflict at this time. He will abstain from voting.

**Preliminary 2012 Flood Response** – John Jaschke reported that the Minnesota Legislature will convene on August 24, 2012, in a Special Session to consider appropriations for cost share and easement disaster recovery funding, and invoke M.S. 12A.05 which authorizes waivers of State Cost Share and Reinvest In Minnesota (RIM) Rules for both existing and future contracts.

John stated that the information distributed to board members today is contingent on the anticipated State’s portion of funding appropriated at the Special Session tomorrow. John reviewed the proposed legislative bill that includes \$1.5M for Reinvest in Minnesota (RIM) Conservation Easements; and \$11M for the Erosion, Sediment, and Water Quality Control Cost-Share Program.

John explained the “Flood recovery: recent appropriation summary” and BWSR’s fifth preliminary damage estimates: June 2012 Flood.



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A Presidential Declaration of a Major Disaster (DR-4069) includes Duluth and the northeast part of the state were hit by severe storms and flash floods June 19-21. The storms followed windstorms and floods in western and south-central counties. The President declared a major disaster for 15 counties and three tribal governments, qualifying them for Federal Emergency Management Agency (FEMA) Public Assistance funding. Individual Assistance funding was not authorized.

John review the 2012 Flood Relief Resolution – noting the correction needed to replace the word *Bank* to *Band*, regarding the Fond du Lac Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibewe.

\*\* John reviewed the BWSR 2012 Flood Relief Cost Share Disaster Recovery Program Policy. Moved by Keith Mykleseth, seconded by Gene Tiedemann, to approve the corrected 2012 Flood Relief Resolution (changing *Bank* to *Band*).

\*\* Moved by Jack Ditmore, seconded by Paul Langseth, to add an amendment to the  
12-73 Resolution – under II. Specific A, 5. would read, “SWCDs or LGUs are authorized to reimburse landowners for costs incurred to rehabilitate and repair existing projects and conservation practices that were damaged due to the DR-4069 event on or after June 14, 2012, *based on adequate and verifiable documentation*. Motion on the amendment to the Resolution passed on a voice vote. Discussion followed.

12-74 Chair Napstad abstained from the vote on the 2012 Flood Relief Resolution – Motion passed on a voice vote.

**Wetland Conservation Act Alternative Emergency Standards** – John Jaschke reviewed the WCA Alternative Emergency Standards Resolution. The word *Bank* will be changed to *Band* in the resolution, as noted in the previous resolution. This is contingent on the Legislative Special Session action on August 24. There is a correction on page 2, Section II. Wetland Delineation, C., second sentence will read, “Provided these areas no longer meet wetland criteria, they shall not be considered jurisdictional wetlands under the Wetland Conservation Act. Jack Ditmore recommends inclusion of, “for the DR-4069  
\*\* area.” at the end of the resolution. Moved by Paul Langseth, seconded by Rob Sip, to  
12-75 approve the resolution with said changes. Motion passed on a voice vote.

**AGENCY REPORTS**

**Minnesota Department of Agriculture (MDA)** – Rob Sip reported that meetings are moving forward on the Agriculture Water Quality Certification advisory committee. Rob reported that MDA has a new updated document on BMPs; this publication will be coming out soon. Rob distributed a flyer, “Program Overview Summer 2012 Discovery Farms Minnesota” for board members’ information, and he also distributed a publication, “Tiling



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and Conservation Drainage Field Tour and Workshop, August 28-29, 2012, Hankinson, ND. Rob encouraged interested board members to attend.

**Minnesota Department of Health (MDH)** - Chris Elvrum commented on the anticipated legislative funding to MDH for well sealing and clean-up of wells.

**Minnesota Pollution Control Agency (MPCA)** – Rebecca Flood reported that the comment period on Stormwater Management ended in July. Staff are now compiling and preparing responses; she will keep the BWSR Board apprised.

**ADVISORY COMMENTS**

**Minnesota Association of Soil and Water Conservation Districts (MASWCD)** – Kathryn Kelly, MASWCD President, stated that MASWCD appreciates BWSR's counsel and support to MASWCD. Kathryn reported that her term as President expires in December 2012. MASWCD's Leadership Session will be held in September in Alexandria. The MASWCD Resolution Committee meets next week. The MASWCD annual meeting will be held December 2-4, at the Double Tree Hotel in Bloomington. Kathryn reported that MASWCD and NRCS are looking at "Field Offices of the Future" working with governmental offices. Kathryn thanked BWSR for the invitation to attend the tour and meeting today.

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that Gary Pedersen is the new executive director of MAT. Chair Napstad commended townships for their local involvement and the importance of townships during the flood event. The township in his area went out their way for flood response, greatly appreciated their support. Sandy Hooker stated that she was impressed with the tour and she learned a lot.

John reported that Tim Koehler retires from NRCS this week and starts with BWSR next week.

**Upcoming Meeting** - Next BWSR Board Meeting is September 26, 2012 in St. Paul.

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12-76 Moved by Christy Jo Fogarty, seconded by Paul Langseth, to adjourn the meeting at 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson  
Recorder





## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: September 26, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business  
Item Type: ☐ Decision ☐ Discussion ☒ Information  
Section/Region: Land and Water Section  
Contact: Travis Germundson  
Prepared by: Travis Germundson  
Reviewed by: \_\_\_\_\_ Committee(s)  
Presented by: Gerald Van Amburg/Travis Germundson

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
|   | <input type="checkbox"/> Clean Water Fund Budget      |
| <input type="checkbox"/> Other: _____             |   |

### ACTION REQUESTED

None

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report  
September 26, 2012  
By: Travis Germundson

There are presently 14 appeals pending. All of the appeals involve WCA except File 10-10. There have been 2 new appeals filed since the last report given at the August 23<sup>rd</sup> Board Meeting.

Format note: New appeals that have been filed since last report to the Board.  
~~Appeals that have been decided since last report to the Board.~~

File 12-15 (9-6-12) This is an appeal of a wetland bank plan decision in Itasca County. The appeal regards the approval of a wetland banking plan requesting a total of 442.77 acres of credit. At issue is the allocation of 100 percent credit for the area of ditches within the proposed restoration area. No decision has been made on the appeal.

File 12-14 (8-9-12) This is an appeal of an amended restoration order in Rock County. The appeal regards the unauthorized draining of approximately 20 acres of wetlands through the installation of agricultural drain tile and ditching. A previous appeal of the restoration order (File 12-6) was denied. The restoration order was amended requiring additional tile removal and ditch channel stabilization, and now the amended restoration order is being appealed. No decision has been made on the appeal.

File 12-13(8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. The appeal has been remanded for the LGU to develop an adequate record.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. The appeal has been granted and a copy of the LGU's record has been requested.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.



File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Settlement discussions are ongoing.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.



File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review.

~~File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for further processing at the local level. The City of Montgomery has gradually been working on removing the debris and restoring the wetland in accordance with MPCA requirements. Wetland has been restored.~~

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

## Summary Table

Type of Decision	Total for Calendar Year 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	4
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	4



## **COMMITTEE RECOMMENDATIONS**

### ***Metro Water Planning Committee***

1. Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***
2. Black Dog WMO Watershed Management Plan Revision – Melissa Lewis – ***DECISION ITEM***



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Black Dog WMO Watershed Management  
Plan Revision**

Meeting Date: September 26, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business  
Item Type: ☒ Decision ☐ Discussion ☐ Information  
Section/Region: Metro  
Contact: Jim Haertel  
Prepared by: Melissa Lewis  
Reviewed by: Metro Water Planning Committee(s)  
Presented by: Melissa Lewis

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
|   | <input type="checkbox"/> Clean Water Fund Budget      |
| <input type="checkbox"/> Other: _____             |   |

### ACTION REQUESTED

Approval of the Black Dog WMO Watershed Management Plan

#### SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The WMO is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club WMO to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the revised Plan per the attached draft Order.



Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55155

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In the Matter of the review of the Watershed  
Management Plan for the **Black Dog Watershed  
Management Organization**, pursuant to  
Minnesota Statutes Section 103B.231,  
Subdivision 9.

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**ORDER  
APPROVING  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Black Dog Watershed Management Organization (Organization) submitted a Watershed Management Plan (Plan) dated July 20, 2012, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

**Whereas**, the Board has completed its review of the Plan;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

**FINDINGS OF FACT**

1. **Watershed Organization Establishment.** The Black Dog Watershed Management Organization (Organization) was established in 1985 through a joint powers agreement. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Organization watershed management plan was approved by Board Order on January 23, 2002. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The Organization encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Organization is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club Watershed Management Organization to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

4. **Plan Development and Review.** The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

5. **Local Review.** The Organization distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

City of Burnsville. The city requested clarification of a number of terms and statements within the Plan and of the intent of the Organization in regards to the Ferric Chloride system. The city also noted concern with the variability in the stormwater standards and the long term impact of this variability in meeting water quality goals. The Organization addressed all comments.

City of Lakeville. The city provided corrections to some tables and content, and indicated the goal of no net wetland loss may be difficult to obtain. The Organization addressed all comments.

Dakota Soil and Water Conservation District (SWCD). The SWCD noted the passive language in the Plan, requested performance standards be strengthened with clear guidelines and detail, identified the conflict in the plan between the need for proactively retrofitting water quality practices in the fully developed watershed and the lack of a redevelopment performance standard, and noted the vagueness of the implementation plan. The Organization addressed all comments.

Dakota County and Vermillion River Joint Powers Organization. The county requested acknowledgement that infiltration can sometimes have an adverse effect on groundwater and requested inclusion of a policy to assess the potential for groundwater impacts of stormwater infiltration. The Organization addressed all comments.

6. **Metropolitan Council Review.** The Council recognized the responsibilities of the member communities in implementation of the Plan, requested strengthening the goals and policies of the plan, clarified requirements for sewer service hook ups, requested the WMO set more proactive standards, and identified that the lack of specificity in implementation projects may result in multiple future plan amendments. All comments were addressed.
7. **Department of Agriculture Review.** The MDA did not comment on the Plan.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR concurred with the comments provided by the Board and indicated additional land use and natural communities and rare species data that could be incorporated into the plan. The DNR suggested strengthening policies, supported



conducting in-lake treatments only after all external sources of nutrients are addressed, and provided techniques and guidelines for in-lake nutrient management. The DNR also suggested stream bank project prioritization criteria and indicated concern with highly engineered solutions for stream bank stabilization. The Organization addressed all comments.

10. **Pollution Control Agency Review.** The PCA provided updates to impairment references, the MS4 permit, and Total Maximum Daily Load Studies (TMDLs); and requested clarification of wetland categories, the organization's criteria for choosing strategic waterbodies, impairment status related to swimming support, and how the organization intends to work with the PCA on future TMDL projects. The PCA also noted the lack of consistent stormwater performance standards and the lack of funding detail for projects and recommended water monitoring data be submitted to the PCA water quality database. The Organization addressed all comments.
11. **Department of Transportation Review.** The DOT did not comment on the Plan.
12. **Board Review.** Board staff recognized and supported the Organization's intent to minimize duplication of efforts and maximize the member city involvement in water resource management. Board staff identified lack of clarity on the goals and policies and a lack of information in the implementation program. Board staff requested clarifications and revisions to these goals, policies, and additional information in the implementation program; recommended incorporating monitoring of watershed outlets to the Minnesota River and Black Dog Fen; requested inclusion of a table identifying expected community costs, and requested revisions to a few procedures. The Organization addressed all comments.
13. **Plan Summary and Highlights.** The Plan recognizes the importance of a coordinated approach to identifying and resolving water resource management problems through the following guiding principles:
  - Keep regulation at the local level—the Organization will not administer a permit program.
  - Assist member communities with intercommunity floodplain and runoff planning and with mediation of water management disputes between communities.
  - Monitor, classify and manage strategic water resources to meet their intended use. Strategic resources are waterbodies that have broad watershed significance.
  - Monitor, evaluate and/or model stormwater runoff quality.
  - Improve the quality of the stormwater runoff reaching the Minnesota River.
  - Manage intercommunity stormwater runoff, flooding and other water quantity issues.
  - Develop policies to be implemented by the cities to protect the Organization's water resources.
  - Assess performance of the Organization and the member cities toward achieving the goals stated in this plan.
  - Provide member cities with useful information about the Organization, its activities, and water resource management.
  - Educate all watershed citizens and member cities in water resource issues and Organization activities.

- Assist member cities with funding water quality projects through grants and other funding available directly to watershed organizations.

The Plan identifies and discusses the status of problems and major issues within the watershed in the following topic areas: water quality; water quantity and flooding; erosion and sedimentation; wetlands and habitat; shoreland, habitat, and open space; groundwater protection; and implementation responsibility. Next, the Plan presents goals and the policies or strategies for achieving the stated goals and addressing the issues, including stormwater performance standards for member cities. Finally, the plan describes the implementation program, including projects, studies, programs, and official controls.

14. **Metro Water Planning Committee Meeting.** On September 5, 2012, the Board's Metro Water Planning Committee and staff met with representatives from the Organization in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. The representatives from the Organization were Organization Board Chair Roger Baldwin and Organization consultants Karen Chandler and Greg Williams. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.



### **CONCLUSIONS**

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Black Dog Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Black Dog Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the Organization's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

### **ORDER**

The Board hereby approves the attached Plan, dated July 20, 2012, as the Black Dog Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 26<sup>th</sup> day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

## Executive Summary

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The Black Dog Watershed Management Organization (BDWMO) *Watershed Management Plan* (WMP) sets the vision and guidelines for managing surface waters within the boundaries of the BDWMO. The WMP provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the BDWMO and its members, and lists implementation tasks to achieve the goals. The WMP is organized into five major sections. The general content and highlights of each section follows:

### Section 1 - Introduction

Section 1 provides background information on the BDWMO as well as the regulatory environment in which the BDWMO operates. Background content includes information on the location and history of the BDWMO as well as the vision, mission, and management structure of the organization. Regulatory information includes the regulatory authority of the BDWMO, and an overview of the major federal, state, and regional regulatory agencies with authority over water resources.

### Section 2 - Physical Environment Inventory

This section provides technical information describing the surface and subsurface conditions of the Black Dog watershed. This data provides the context for understanding the issues and management challenges the BDWMO faces. Section 2 presents a watershed-wide inventory of land use, climate and precipitation, topography, soils, geology, groundwater, MDNR public waters, wetlands, natural communities and rare species, and a description of the major surface water bodies and drainage systems. Section 2 also includes information on water quality monitoring programs and studies within the BDWMO, local flooding issues and the water body classification system used for managing water bodies. This section also provides specific information on many of the BDWMO's water bodies including:

- Water body classification
- Amenities
- Impairment status
- Outlet information
- Land uses within the water body watershed
- Fisheries survey results



### **Section 3 - Assessment of Issues and Opportunities**

This section identifies and discusses the status of problems and major issues within the watershed, in the following topic areas:

- Water quality
- Water quantity and flooding
- Erosion and sedimentation
- Wetlands and habitat
- Shoreland, habitat, and open space management
- Groundwater protection
- Implementation responsibility

Within each topic area, general issues are discussed first, followed by more specific issues. Issues are addressed through relevant policies (Section 4) and the implementation program (Section 5). The major unresolved or ongoing management issues discussed in Section 3 include:

#### **Water Quality**

Under this topic, the WMP discusses general stormwater runoff quality issues (e.g., nonpoint source runoff and phosphorus loadings), impaired waters, and TMDL issues. Information on the water quality and impairment status of significant BDWMO water bodies is also included in this section.

#### **Water Quantity and Flooding**

Under this subtopic, the plan discusses general issues (e.g. impacts of land development on stormwater rates and volumes, landlocked basin issues, flooding damages, and level of service/level of protection) and flooding concerns with respect to specific water bodies.

### **Section 4 - Goals and Policies**

Section 4 presents the WMP's goals and the policies or strategies for achieving the stated goals. This section also includes stormwater performance standards for member cities. The policies and performance standards in this section are intended to address the problems and issues identified in Section 3. The plan's goals by each topic are:

#### **Water Quality**

- Maintain or restore the water quality of the BDWMO water resources to meet state water quality standards and allow for the continuation or enhancement of existing intended uses.
- Improve the quality of stormwater runoff reaching the Minnesota River by reducing nonpoint source pollution (including sediment) carried with stormwater runoff.

- Maintain or improve the quality of stormwater runoff reaching the calcareous fen (Black Dog fen) and the nearby trout streams.

### **Water Quantity and Flooding**

- Manage intercommunity stormwater flows.
- Minimize flood damage to private and public property, and protect against increased flooding caused by development and redevelopment activities.

### **Erosion/Sedimentation**

- Limit and/or decrease erosion and sedimentation through controls to protect water quality, habitat, and infrastructure.

### **Wetland and Habitat Management**

- Preserve the ecological quality of wetlands for water retention, recharge, soil conservation, habitat, aesthetics, and natural enhancement of water quality.
- Achieve no net loss of wetlands in the BDWMO, while conforming to the Minnesota Wetland Conservation Act (WCA) and associated rules (Minnesota Rules 8420).

### **Shoreland, Habitat and Open Space Management**

- Protect and enhance fish and wildlife habitat within the BDWMO.
- Maintain or improve shoreland integrity, preserving and enhancing the ecological quality of shoreland areas as it relates to wildlife habitat, aesthetics, soil conservation, and natural improvement of water quality.
- Preserve and enhance the quality of open spaces.
- Protect and increase recreation opportunities within the BDWMO.

### **Groundwater**

- Protect the quality and quantity of groundwater resources.

### **Administration**

- Promote local regulation of water resources by delegating day-to-day management of the BDWMO's water resources to the member cities.
- Provide administrative guidance to member cities through this plan and the review and approval of local water management plans.
- Provide periodic review of projects proposed to meet policies/goals for strategic waterbodies established in this plan.



- Minimize duplication of federal and state rules and standards.
- Supplement existing federal and state regulations with specific design standards and criteria that address unique needs of BDWMO resources described in this plan.

### **Education and Public Involvement**

- Increase awareness and education level of residents, local officials, and city staff regarding water resources and stormwater management.
- Provide the public with data they need to protect water resources and to understand the impact of land use decisions on water resources.

## **Section 5 - Implementation Program**

This section describes the significant components of the BDWMO's WMP implementation program. The program is shaped by the BDWMO's current authority and goals. The BDWMO is not a permitting authority and thus uses the following methods for implementing its program:

1. Ensuring that the member cities adopt and implement the policies and standards in the BDWMO Plan
2. Managing, and assisting member communities with, intercommunity runoff and water management issues
3. Assessing the performance of the BDWMO and the member cities and their progress toward achieving the goals stated in the BDWMO Plan

The implementation program is presented at the end of Section 5 in a table (Table 5-1) that lists the projects, studies, and the programs and official controls implemented by the BDWMO. The table shows the cost estimate, proposed year of implementation, and proposed financing method for each element of the implementation program. Table 5-2 summarizes the costs of Table 5-1 by member city. Potential future projects are described in Table 5-3, including projects described in the TMDL implementation plan for Crystal, Keller, and Lee Lakes (Barr, 2011). Minor plan amendments will be performed as necessary to move potential projects from Table 5-3 to Table 5-1. Another table (Table 5-5) lists the various implementation activities that have been completed since the development of the 2002 BDWMO Plan. This section also discusses the various funding approaches available to WMOs and the approaches used by the BDWMO.



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Brown's Creek WD Amendment to Watershed M

Meeting Date: September 26, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business  
Item Type: ☒ Decision ☐ Discussion ☐ Information  
Section/Region: Metro  
Contact: Jim Haertel  
Prepared by: Melissa Lewis  
Reviewed by: Metro Water Planning Committee(s)  
Presented by: Melissa Lewis

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
|   | <input type="checkbox"/> Clean Water Fund Budget      |
| <input type="checkbox"/> Other: _____             |   |

### ACTION REQUESTED

Approval of Amendment to the Brown's Creek Watershed District Watershed Management Plan

### SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Brown's Creek Watershed District (District) was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The District is located exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources, including Brown's Creek which is a designated trout stream.

The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. Washington County and the Minnesota Department of Transportation (MNDOT) requested clarification of expected involvement for the County and MNDOT in the projects. The comments were addressed.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.



Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55155

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**In the Matter** of the review of the Amendment  
to the Watershed Management Plan for the  
**Brown's Creek Watershed District**, pursuant to  
Minnesota Statutes Section 103B.231,  
Subdivision 11.

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**ORDER  
APPROVING  
AMENDMENT TO  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Brown's Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated August 14, 2012, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

**Whereas**, the Board has completed its review of the Amendment;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

**FINDINGS OF FACT**

1. **Watershed District Establishment.** The District was established from the Brown's Creek Watershed Management Organization in October 1997.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 26, 2005. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The District is located exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources.

4. **Amendment Development and Review.** The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on June 4, 2012. A summary of comments received and the District's response was received on August 2, 2012. A public hearing was held on August 13, 2012. No comments were received. The final draft of the Amendment was received by the Board on August 16, 2011.
5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.  
Washington County. The County noted the formal process for requesting projects be added to the County's Capital Improvement Plan, indicated the County may or may not be able to accommodate a request, and specified that a cooperative construction agreement and maintenance agreement would be needed. The District addressed all comments.
6. **Metropolitan Council Review.** The Council commended the District for their proactive management of water resources.
7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.
11. **Department of Transportation Review.** The DOT requested clarification of the expected DOT involvement in the projects in relation to the total maximum daily load implementation for Brown's Creek. The District addressed all comments.
12. **Board Review.** Board staff found the amendment to be consistent with Minnesota Statute and Rule and did not request changes.
13. **Amendment Summary.** The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved.
14. **Metro Water Planning Committee Meeting.** On September 5, 2012, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.



### **CONCLUSIONS**

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Brown's Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

### **ORDER**

The Board hereby approves the attached Amendment, dated August 14, 2012, to the Brown's Creek Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 26<sup>th</sup> day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

## **V. Implementation Program**

The implementation program of this Plan includes both structural (capital improvement) and programmatic elements. The implementation program identifies the specific projects, studies and other activities necessary to implement the BCWD's goals and policies. This implementation plan identifies the items summarized in the policy, goal, and implementation tables in Section IV and includes other activities such as:

- Annual Administrative Activities
- Annual Operations and Maintenance
- Annual Data Collection and Monitoring Activities
- Non-Annual Administrative Activities
- Non-Annual Data Collection and Monitoring Activities
- Non-Annual Studies
- Capital Projects

Inclusion of a structural or programmatic action in the implementation plan is not a decision to implement that action. Implementation rests on further Board decisions to budget for and fund the action, and in some cases may require further legal procedures and/or the approval or participation of other parties. Further, the Board engages in ongoing evaluation of water resource needs within the watershed and, as a result, priorities may shift during the 10-year term of the Plan.

In addition, while the implementation plan includes specific actions for review of BCWD official controls (rules and permitting requirements), the BCWD continuously assesses its official controls as they are applied to land use and development projects that come before it. The Board intends that the BCWD technical and citizens' advisory committees engage in a periodic (annual or biennial) review of its Rules and regulatory program. It reserves the prerogative of revising the controls, through required rulemaking proceedings, as the Board believes appropriate.

Similarly, over the period of ten years, as priorities evolve, new concerns emerge or new approaches are developed, the Board may choose to undertake an action not included in the implementation plan. The listing of actions in the implementation plan is not intended to exclude other actions consistent with the issues, goals and policies identified in Section IV. In some cases, undertaking an action not in the implementation plan may require first amending the Plan or other procedures.

### ***V-1. Funding of District Activities***

The BCWD obtains the majority of its revenues for water resource programs and projects from the taxing of real property within the watershed. Other sources of revenue include



grants or cost-share participation from other governmental bodies, expenditures by program/project partners, permit fees and contract payments.

Minnesota Statutes §103D.905 specifies the funds a watershed district in Minnesota may maintain, along with limits on the amount of tax a district may levy for that fund, how frequently it may levy, and other constraints.

The fund for basic operations is the general fund, for which a district may levy annually in an amount not to exceed 0.048 percent of taxable market value of real property in the watershed or \$250,000 whichever is less (because the taxable market value of real property within the BCWD exceeds a certain level, in the case of the BCWD this means a \$250,000 annual levy authorization). This fund is to be used “for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district.” The BCWD levies annually under this authority to fund the basic expenses to maintain administrative staff, consultant retainers, office space and equipment, insurance, manager per diems and similar basic administrative expenses.

Other funds authorized by §103D.905 include a start-up organizational expense fund, a bond fund, a construction fund, a repair and maintenance fund, a survey and data acquisition fund, and funds to maintain project monies obtained through grants and loans.

However, for the BCWD and other metropolitan watershed districts, tax levy and fund accounting procedures are greatly simplified. Under Minnesota Statutes §103B.241, a metropolitan district “may levy a tax to pay the increased costs of preparing a plan ... and for projects identified in an approved and adopted plan necessary to implement the purposes of [Chapter 103B].” This levy authority is unlimited in amount and funds may be accumulated to pay for projects and programs. Chapter 103B, at §103B.251, also authorizes a separate levy for maintenance of existing projects.

Each year, by September 15 the Board must approve a budget and certify to the Washington County Auditor the amount of the BCWD levy for the following year. This levy may be adjusted before December 28. The County then includes the BCWD levy in its tax statement, collects the levy and distributes the proceeds to the BCWD, half the following July and half the January thereafter. (See Washington County Financial and Budget Policy #2403.)

If the BCWD unexpectedly requires funds outside of the levy cycle, it may obtain loans from Washington County or a commercial lender on negotiated terms. County loans were instrumental in the first two years of the BCWD’s existence, but were paid off before their due date and have not been required since.

This levy authority highlights the importance of the Plan for BCWD activities. The Plan defines the programs and projects for which the BCWD may exercise its taxing authority. The Minnesota Board of Water and Soil Resources, which oversees watershed district activity, has confirmed that the §103B.241 levy may be used broadly to fund the



preparation of the water resources plan and both the administrative and project costs of carrying out the implementation program in the plan. Accordingly, the BCWD, like most metropolitan watershed districts, levies each year under just two authorities: the general fund authority of §103D.905 and the management plan authority of §103B.241. Also like other metropolitan watershed districts, the BCWD may fund the construction of capital improvements projects by levying under the authority in § 103B.251; if the BCWD elects to fund a project or projects under this authority, it will provide notice as described in Washington County Financial and Budget Policy #2403.

The BCWD can exercise a levy on real property in three basic ways:

1. Watershed-wide ad valorem: An ad valorem levy is a levy on real property in which the amount of the levy corresponds to property value. The watershed-wide levy produces tax revenue from all taxable properties within the watershed.
2. Subwatershed ad valorem: An ad valorem levy can be certified to the County Auditor with the direction that it be applied to a specified set of land parcels that constitute just a part of the watershed. The watershed law allows this form of levy provided that the BCWD specifies in the Plan the properties constituting the taxing district, the purpose of the subwatershed tax, the amount of the charges, how they will be determined, and the duration of the levy. This levy may be appropriate, for example, where a BCWD expense relates predominantly to certain property within the watershed or the benefits of program or project will fall disproportionately on certain property.
3. Special assessment: For certain types of projects, the BCWD may assess costs to property owners without respect to property values and solely on the basis of benefits received. This form of taxation generally must follow very exacting legal procedures by the Board to authorize a project and determine damages and benefits to specific properties resulting from the project.

To date, of the three taxing methods the BCWD has used only a watershed-wide ad valorem levy. This has been based on the Board's judgment that the BCWD's programs and projects are directed toward watershed-wide goals in which all watershed residents have a stake and that over time, any localized benefits of specific BCWD actions will tend to distribute themselves roughly equally among watershed residents. This reasoning has allowed the BCWD to avoid the substantially greater costs to watershed taxpayers of administering a subwatershed levy or special assessment. Notwithstanding, the Board will continue to be mindful of equity issues in how BCWD programs and projects are funded, and will continue to consider methods other than the watershed-wide levy in the case where a significant BCWD expenditure would have a very localized benefit or where otherwise appropriate.

The BCWD also pursues funds through grants, donations, in-kind services and/or participation by other governmental units or agencies. The financial burden on watershed residents has been greatly moderated in recent years by, for example, the BCWD's



success in securing grant or cost-share funds from the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources and the Metropolitan Council; shared project responsibility with the Cities of Stillwater and Oak Park Heights; and providing in-kind services to landowners in exchange for easements needed for capital projects.

Finally, §103D.345 of the watershed law authorizes watershed districts to recover permit processing, inspection and enforcement costs from those who apply for and perform work under a watershed permit. This has allowed the BCWD to recover a substantial portion of the cost to implement its permit program. On May 12, 2003 the BCWD adopted Resolution 03-03 establishing a permit fee schedule that is reviewed by the Board annually. The schedule is based on the expected BCWD cost to administer its permitting requirements for the type and scale of work proposed.

A permit fee is submitted at the time of application, held in escrow by the BCWD, and applied to the cost of permit review. On permit approval, the permittee must replenish the escrow deposit to the originally required amount before the permit will be issued, in order to cover actual costs the BCWD incurs to monitor the work and address any permit non-compliance. When the work has been completed, the escrow balance is returned to the permittee. If the BCWD has incurred costs exceeding the escrow deposit, the permittee is billed for the additional amount. Table V-1 identifies the estimated annual tax per residence in the District based upon incremental project costs.

**Table V-1. Approximate Annual Tax Levy Per Residence [\$]<sup>(a)</sup>**

Estimated Ad Valorem Levy	Residential Property Taxable Market Value				
	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000
\$50,000	\$2.62	\$3.49	\$5.24	\$6.99	\$8.74
\$100,000	\$5.24	\$6.99	\$10.48	\$13.98	\$17.47
\$200,000	\$10.48	\$13.98	\$20.96	\$27.95	\$34.94
\$500,000	\$26.21	\$34.94	\$52.41	\$69.88	\$87.35

<sup>(a)</sup> Based upon the 2006 Net Tax Capacity figures provided by Washington County.

## ***V-2. Regulatory Controls and Enforcement***

The BCWD has in force, and applies to land use and development activities, rules and permitting requirements. The BCWD Rules were adopted on October 29, 1999 and took effect on January 1, 2000. The Rules govern six categories of water resource impact: stormwater management (Rule 2.0), erosion control (Rule 3.0), Lake, stream and wetland buffers (Rule 4.0), shoreline and streambank alterations (Rule 5.0), stream and lake crossings (Rule 6.0) and floodplain and drainage alterations (Rule 7.0). Additional chapters specify procedural requirements such as permit processing, permit fees, surety requirements, variances and enforcement.



The authority of the BCWD to adopt and implement rules is contained in the watershed laws at Minnesota Statutes §103B.211, 103D.335, 103D.341 and 103D.345. Under these statutes, new rules or revisions to existing rules are adopted through a formal process that includes public distribution of a proposed rule, a public hearing and a 45-day opportunity for the Minnesota Board of Water and Soil Resources and transportation authorities to submit comments. Ordinarily, the BCWD expands the legally required process to include some or all of the following: involvement of citizens' advisory and/or technical advisory bodies in rule development and review; preparation of a Statement of Need and Reasonableness (SONAR) to accompany the proposed rule, explaining the proposed changes, the water resource need they are intended to address, and why the BCWD believes they are reasonable; a period for receipt of written public comments; and coordination with local units of government and relevant state agencies.

The BCWD has been engaged in a comprehensive review of all of its rules in parallel with development of this Plan. The intent of this review is to have the BCWD Rules reflect the goals, priorities, approaches and new information contained in the Plan. In particular, three subjects that will receive particular new attention are stormwater management requirements for landlocked basins, stormwater volume control, and protection of groundwater-dependent natural resources. The rulemaking process nears completion and therefore it is likely that the Board shortly will approve rule revisions that may be substantial in some respects.

Permit applications are submitted on standard forms available through the BCWD Administrator and processed in accordance with standard procedures set forth in BCWD Rule 1.0 and the BCWD permit processing guidelines adopted by Resolution 99-10 (October 28, 1999). Pursuant to Resolutions 02-04 (October 14, 2002) and 04-02 (January 12, 2004), the Board has delegated to the Administrator the authority to issue all Rule 3.0 (erosion control) permits and permits under Rules 4.0 (lake, stream and wetland buffer), 5.0 (shoreline and streambank alteration) and 7.0 (floodplain and drainage alterations) meeting certain criteria. All other applications must come before the Board, as must any request for a variance or any application that the Administrator finds raises a technical, policy or legal issue, or concerns public controversy, that warrants Board review. An application within the Administrator's approval authority that the Administrator finds should be denied may be brought before the Board on the applicant's request.

A permit may be approved with certain conditions that must be met before the permit will be issued. These may include things such as additional notations on erosion control plans or stormwater facility plan revisions as well as provision of sureties to guarantee permit compliance and recordation of perpetual landowner maintenance responsibilities for stormwater conveyances, stormwater management facilities and vegetated buffers. The District engineer monitors ongoing work under BCWD permits. Permit noncompliance is subject to a formal compliance order from the Board, a civil order of the District Court, and/or criminal misdemeanor prosecution. If permit non-compliance occurs, typically the BCWD engineer or administrator will issue a written "Notice of Probable Violation" directing that the site be brought into compliance within a specified



time. If a violation is not willful, the BCWD will provide technical guidance to gain compliance and improve the performance of site protection measures. Typically noncompliance is resolved at this stage.

Failure to achieve compliance will result in a formal compliance hearing before the Board. In the case of extensive noncompliance or significant actual or threatened environmental harm, a hearing before the Board may be noticed immediately. In particularly severe cases, the BCWD may proceed directly to court for enforcement. In responding to permit violations, the BCWD also will cooperate with the local unit of government and state agencies with enforcement jurisdiction.

In all cases of noncompliance, BCWD costs will be borne by the permittee and the BCWD may use the project surety if needed to cover the costs of bringing the site into compliance.

Work performed without a required permit is in important respects a greater concern than is work that is not complying with a BCWD permit. In the latter case, the permittee is generally aware of site protection requirements and the site is under active BCWD oversight. In the former case, work may be occurring without knowledge of or concern about sound protection practices. Further, as the BCWD is not aware of the work, water resource impacts may occur for some time before action is taken.

The BCWD's implementation plan includes measures to increase awareness within the watershed of BCWD regulatory requirements and BCWD awareness of land use and development activity occurring in the watershed. Presently, cities and townships within the watershed are not systematically informing people who come for local permits or guidance about BCWD requirements. Local water plans submitted for review under this Plan must specify how the municipality will help reduce the incidence of unpermitted work by informing residents, developers, builders and other relevant parties about BCWD regulatory requirements.

This Plan has been developed pursuant to the requirements of the metropolitan watershed law, Minnesota Statutes §§103B.201 to 255. Under this law, metropolitan watershed districts identify the needs, priorities and standards for water resource management within the watershed in a comprehensive plan. Then, each city or township within the watershed is required to prepare a plan governing its own role in addressing the identified needs. The local plan must be consistent with the watershed plan and approved by the watershed district.

The watershed law requires that watershed districts adopt and implement official controls (rules and permitting requirements) to protect water resources from land use and development impacts. Cities and towns also typically regulate against water resource impacts directly or indirectly through zoning, subdivision and other development code requirements. Under the watershed law, a property owner or developer must obtain permits as necessary from both the municipality and the watershed district, and meet the requirements of each.

However, the metropolitan watershed law also provides that once a watershed district has approved a local water plan, the district, with limited exceptions, ceases to apply its official controls and defers entirely to the municipality to regulate land use and development, if the municipality so chooses. The BCWD encourages municipalities within the watershed that wish to assume sole permitting authority on BCWD approval of the local plan. For the BCWD to approve the local plan, however, it must:

- Include adopted ordinances providing for at least the same level of water resource protection as the BCWD's official controls, or draft ordinances and obligates the municipality to adopt them, without material change, within 180 days of BCWD plan approval.
- Recognize the municipality's obligation to amend its ordinances within 180 days of a substantial revision of the BCWD Rules.
- Demonstrate that the municipality is prepared to devote adequate technical and financial resources to its regulatory program.
- Include a procedure for the BCWD to be timely provided copies of development applications and access to plans for review and the opportunity to comment.

Because the BCWD considers its regulatory program to be evolving, it intends its Rules as incorporated into this Plan to include any amendments to the Rules while the Plan is in effect. When the BCWD reviews a local water plan for approval, it will compare local ordinances with BCWD Rules in effect at the time. This may include amendments to BCWD rules up until the time a local plan is approved, if the municipality was aware of the BCWD rulemaking process and it otherwise is reasonable to expect municipal conformance to the amended BCWD rule.

Where a municipality chooses to assume the sole regulatory role, this decision will be documented in a memorandum of understanding between the municipality and the BCWD. The memorandum will, among other things:

- Document the specific rules that the BCWD will no longer apply;
- State, consistent with the watershed law, that BCWD approval will be required where a development application requires a variance or amendment of the municipality's water resource ordinance;
- Provide for periodic reporting and/or meetings between the municipality and the BCWD to review permitting activity;
- State the circumstances under which the BCWD will reassume regulatory authority; and



- If the municipal ordinances have not yet been adopted or are not yet in effect, provide that the BCWD's withdrawal of its regulatory role will commence only when the ordinances take effect.

Some municipalities may prefer that the BCWD continue to apply its rules and permitting requirements within the municipality, either because they welcome the additional attention and resources for water resource protection, or because they choose not to amend their own ordinances to meet BCWD criteria. The BCWD finds this choice acceptable as well. In such situations, the BCWD will continue to implement its regulatory program but also will be open to exploring means of coordinating regulatory standards, permit review, surety requirements, inspections, enforcement and other regulatory program activities with the municipality.

### ***V-3. Impacts on Local Units of Government***

Minnesota Rules 8410.0110 requires that the Watershed Management Plan assess the financial and administrative impacts of the Plan on local units of government. The assessment is to include an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified under part 8410.0100 of the rules. At a minimum, it is to consist of an estimate of the costs associated with the Plan's implementation and anticipated sources of revenue.

The regulatory controls and programs proposed in this Plan will not have a significant financial or other impact on local governments within the meaning of the indicated rule since they are voluntary. The local planning requirement of Minnesota Statutes §103B.235 will involve each local government in creating and implementing a water resource plan. The cost of this activity is mandated by the statute and is not a consequence of the Watershed Management Plan. Some municipalities may find that additional costs are associated with the implementation of the municipality's local water resource plan if local programs do not currently include stormwater facility maintenance, street sweeping, and other local activities specified in Minnesota Rule 8410.

The Watershed Management Plan includes a number of strategies and programs that the District may pursue in fulfilling its water resource mission. Many of these will involve local government participation. Examples include:

- Inventory of local stormwater control standards
- Review of local land use ordinances for water resource impacts
- Development of a landlocked basin regulation and a flood contingency plan
- Education and outreach programs
- Monitoring and data acquisition programs

The majority of the programs identified in the Plan, however, do not compel local government involvement. In pursuing a specific activity under the Plan, the District will



seek the voluntary cooperation of affected local governments. If an affected local government does not wish to participate, the District either will undertake the activity without the involvement of that body or will forego the activity.

This Plan requires, as a criterion of local plan approval, that the official controls of the local government, as adopted and enforced, be at least as protective of water resources as the District's rules. Local governments will incur costs in implementing official controls for water resource protection. However, the District permits a local government to meet the criterion of sufficiently protective controls simply by authorizing the District's continued application of its rules and permit requirements within the boundaries of the local government unit. While the District will cooperate with local governments that wish to assume sole responsibility for water resource permitting and enforcement, it also will retain and continue to exercise permitting authority where a local government so chooses or where the local government is not meeting the implementation requirements of the District. Accordingly, under this Plan, local governments are not compelled to expand their regulatory programs and therefore will incur no costs related to those programs unless they so choose. The status of local governmental official controls is summarized in Table V-2.

**Table V-2. Status of Local Ordinances**

Community	Erosion Control Ordinances	Stormwater Management Ordinances	Wetland Ordinances	Shoreland Ordinances
Grant	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances
Hugo	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code
Lake Elmo	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code	√ Source: Municipal Code
May TWP	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance
Oak Park Heights	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances	√ Source: City Ordinances
Stillwater	√ Source: City Code	√ Source: City Code	√ Source: City Code	√ Source: City Code
Stillwater TWP	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance	√ Source: County Ordinance

NA = Not Applicable

In developing this Plan, the District is required by Minnesota Rules 8410.0070 to solicit and consider the water management goals and policies of local governments within the District, the Metropolitan Council, Washington County, the Washington Soil and Water Conservation District, the Board of Water and Soil Resources, the Pollution Control Agency and the Departments of Natural Resources, Agriculture and Health, and to explain and justify any inconsistencies between those goals and policies and the goals and policies of the District as stated in the Plan. Under 8410.0110, the District also is to



solicit from Washington County and the local governments any concerns as to their administrative and financial capabilities to adopt and enforce the controls and programs required by the Plan.

Figure II-1 and the text accompanying it describe the process that has been used in developing the Plan. This process has included the substantial involvement of Washington County, the Washington Soil and Water Conservation District, the Metropolitan Council, the Board of Water and Soil Resources and the Department of Natural Resources.

In distributing this draft, the District specifically is asking each indicated governmental unit to respond to the District with respect to any of its water management goals or policies relevant to and not reflected in, or contradicted by, the Plan. Similarly, it is asking the County and the affected cities and towns to submit comments regarding their capabilities to implement the controls and programs required herein. As noted above, it is the District's assessment that the Plan will not impose burdens on the administrative or financial capabilities of local governments. If any affected governmental unit believes otherwise, it is asked to specifically advise the District of its views. Any comments received will be reviewed and considered in finalizing the Plan.

#### ***V-4. Implementation Plan Summary Tables***

Table V-3 lists the costs and potential partners for high priority projects. The projects identified as high priority are those that the District plans to complete within the 10-year term of the Plan. Table V-4 lists the low priority projects. The low priority projects include all other potential implementation items. These items will be reviewed on an annual basis, reprioritized as appropriate, and completed as time and money allow. Table V-5 identifies all of the proposed Capital Improvement Projects as well as estimated costs, potential partners, and an estimated implementation year. The Board of Managers will review and update the implementation plan annually in July with the Citizen Advisory Committee (CAC) contributing to the review at the August CAC meeting. The Board will finalize the implementation program review in conjunction with budget planning.

#### ***V-5. Capital Improvement Projects – 2012 Amendment***

Over the past five years the BCWD has implemented the water resources protection and improvement plan described in chapters IV and V of this Plan, completing in collaboration with other local governmental entities and citizen groups lake management plans for Lake McKusick, Woodpile Lake, Benz Lake, Long Lake and Masterman Lake, as well as a Total Maximum Daily Load (TMDL) study and implementation plan for Brown's Creek. (The Brown's Creek TMDL study and implementation plan were finalized and approved in December 2010.) As intended, the lake management plans and



TMDL implementation plan identified specific capital improvements – along with best management practices and other management actions – that could be implemented to achieve BCWD-established water-quality goals. The completion of these plans allowed the BCWD to add specificity to this Plan with regard to the schedule, cost and location of capital projects the BCWD will undertake or consider undertaking. For two lakes – McKusick Lake and Long Lake – BCWD undertook further resource assessment to develop specific projects and approaches beyond those identified in the associated management plans to achieve water quality improvement targets.<sup>1</sup> The specific projects that resulted from these processes are provided in Table V-6 – BCWD 2012 CIP. (Some of the specific projects listed in Table V-5 do not appear in Table V-6. The BCWD has determined not to develop these projects for possible implementation.)

The BCWD does not intend to complete all of the projects in Table V-6 in the next five years. Because the BCWD intends to continue to refine its plans for implementing capital projects to most cost-effectively address water-resource improvement goals in the watershed, the BCWD has identified criteria that will be weighed by the Board of Managers to determine which projects should be undertaken. The analysis of projects by the Board of Managers according to the criteria will allow the BCWD to determine projects for which feasibility studies will be conducted. The Board of Managers then will consider the findings of such studies, along with input from watershed cites, Washington County, state agencies and watershed citizens, when determining which projects will be ordered for construction. This process will allow the BCWD to undertake construction without the need for further amendment of this Plan. In some cases, consideration of a completed feasibility study and input from stakeholders in light of the criteria may lead to approval of a project from Table V-6 in modified, improved form, or may lead to reprioritization or rescheduling of the projects in the CIP. The criteria include:

- Availability of grant funding;

<sup>1</sup> The McKusick Lake Management Plan (Wenck 2007) identified target load reductions in the watersheds draining to McKusick Lake. A required reduction of 148 pounds of phosphorous was identified for the northwest annexed area which includes the McKusick Lake diversion drainage area. Three main tributaries converge at the McKusick Lake diversion structure, in which the highest estimated phosphorous loading is conveyed via the western branch. The Settler's Glen 5<sup>th</sup> Addition Iron-Enhanced Sand Filter, situated within the western branch catchment area, is projected to remove approximately 118 pounds of total phosphorus, achieving 80 percent of the target required reduction in this area. Monitoring has shown phosphorous loading from the contributing tributaries to the McKusick Lake diversion structure. BCWD is committed to reducing total phosphorous loading to meet the targeted reduction goal of 148 pounds of phosphorus from the entire annexed area watershed. To reduce an additional 30 pounds of phosphorous, reduction projects such as volume control (infiltration), source control or filtration will be implemented within the catchment area of the McKusick Lake Diversion Structure.

The North Marketplace Targeted Subwatershed Implementation Plan was developed as a followup to the Long Lake Management Plan of 2006. The intent of the North Marketplace plan was to build on the implementation portion of the Long Lake Plan by providing greater detail on the types and locations of specific water quality improvement projects. The Long Lake Management Plan had identified a phosphorus reduction goal for this subwatershed and the number and type of various BMP types that could be used to achieve the goal. The North Marketplace plan took that information a step further by finding specific locations where the various BMPs would be best suited. The resulting implementation plan is a detailed map showing potential small, residential boulevard raingarden locations, tree trenches and locations for larger, regional BMPs on City of Stillwater and private properties.



- Availability of funding assistance from regional, state and federal sources;
- Expressed interest in and capacity for partnership among local governmental entities, especially as makes property available for a CIP project;
- Expressed community and private entity support, especially as makes property available for a CIP project; and
- Technological and/or design advancements improving the expected performance and/or cost-effectiveness of a particular CIP project.

Ordering of CIP projects will be conducted in accordance with statutory processes for implementation of actions intended to achieve water resources goals described in this Plan:

- First, all proposed actions constituting capital projects will be ordered following the procedure specified in Minnesota Statutes § 103B.251. This section requires that a public hearing be held to consider the merits of the proposal, with prior published notice as well as written notice, with a copy of or the availability of project plans, to Washington County and cities and townships within the watershed. The Board of Managers will hear and consider all public comments and make funding decisions in open public meeting.
- Second, spending for project implementation is set annually through the BCWD's budgeting process. This is a public process that occurs in July and August each year. It includes a public hearing required by statute at which any interested person may address the Board of Managers on the proposed budget.
- Third, all proposed project activities will be presented to the District's citizens advisory committee. The Board of Managers carefully considers all committee review and input.

Table V-6 – BCWD 2012 CIP

Item Description by Plan:	BCWD and other Government Involvement	BCWD Watershed Management Plan Section - Policy #   Goal Letter - Item #	2012	2013	2014	2015	2016	2017 and beyond
<b>Projects Identified in BCWD Third Generation Watershed Management Plan</b>								
Long Lake Management Plan Implementation Activities	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						
LL-14 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				\$104,250		
OPH-25 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						\$67,500
OPH-24 Pond Improvements	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	\$67,500					
Small to Medium Rain Gardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		\$10,000	\$10,000	\$10,000	\$10,000	
Community Scale Rain Gardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				\$25,000	\$25,000	\$65,000
Community Scale Infiltration Trenches	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			\$10,000	\$10,000	\$10,000	\$60,000
Infiltration Basins/Wet Ponds/Created Wetlands	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			\$10,000	\$10,000	\$10,000	\$60,000
Lakeshore Buffer Creation	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8			\$10,000			
Mendel Wetland Restoration	BCWD, WCD	3.3.a-2) A1						\$100,000
<b>McKusick Lake Management Plan</b>				\$77,500	\$40,000	\$156,250	\$55,000	\$352,500
Settler's Glen 5th Addition Iron-Enhanced Sand Filter	BCWD, City of Stillwater, DNR	4.3.a-3) A1, 4.3.a-3) A2	\$210,000					
McKusick Diversion Drainage Load Reduction Projects	BCWD, City of Stillwater, DNR	4.3.a-3) A1, 4.3.a-3) A2			\$150,000			
<b>Woodpile Lake Management Plan</b>				\$210,000	\$150,000	\$0	\$0	\$0
Vegetative Buffer; 83rd Street	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8				\$25,000		
83rd Street Regrading	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	\$500					
Sediment Traps; Keats and 83rd Street	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8					\$10,000	
Vegetative Buffer; South Shore	BCWD, City of Grant, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8		\$5,000				
<b>SUB-TOTAL</b>			\$500	\$5,000	\$0	\$25,000	\$10,000	\$0

\* All costs in 2011 dollars

\*\* The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.



Table V-6 – BCWD 2012 CIP

Long Lake Management Plan/North Marketplace Subwatershed Assessment										
Raingardens	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	\$10,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$40,000
Community Thread BMPs	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8	\$10,000							
Benson Park South Raingarden	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8						\$12,500		
Oakridge Community Church Ponding	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8								\$40,000
Benson Park North Raingarden	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8							\$16,000	
Tree Trench	BCWD, City of Stillwater, WCD	4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8					\$21,000			
SUB-TOTAL			\$10,000	\$30,000	\$51,000	\$42,500	\$46,000	\$42,500	\$46,000	\$40,000
Brown's Creek TMDL Implementation Plan										
PUBLIC PROJECTS:										
Stormwater BMPs - 96 and Oakhill Avenue N	Stillwater TWP**, BCWD, MnDOT	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$33,340**
Pond Retrofit - P1065	BCWD, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$18,725**
Pond Retrofit - P1045	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$44,650
Pond Retrofit - P1044	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$38,275
Pond Retrofit - P1043	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$8,425
Pond Retrofit - P1042	City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$128,888**
Pond Retrofit - P1184	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$89,300
Pond Retrofit - P1217	City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$50,375**
Pond Retrofit - P1048	BCWD	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$23,225
Ravine & Bluff Stabilization Project	BCWD, MNDR, Washington County, City of Stillwater, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	\$34,000							
Catch Basin Retrofits: McKusick Road (4)	BCWD, Washington County, Stillwater TWP**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$30,540**
Catch Basin Retrofits: Stonebridge Trail	BCWD, Washington County, MnDOT, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$25,050**
McKusick Wetland Outlet Modification	BCWD, MNDR, City of Stillwater	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$188,500
Neal Avenue Stormwater Area	BCWD, City of Stillwater**	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$278,990**
Stone Arch Bridge Streambank Stabilization	BCWD, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$13,000
Brown's Creek Rehabilitation Project	BCWD, MNDR, Washington County	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5	\$20,000	\$100,000						
McKusick Road Improvements	BCWD, Washington County**, City of Stillwater, Stillwater TWP	5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								\$106,400**
Stream Geomorphology + Thermal Buffer Improvements:		5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5								

\* All costs in 2011 dollars

\*\* The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.





## **COMMITTEE RECOMMENDATIONS**

### ***Northern Water Planning Committee***

1. Cook County Priority Concerns Scoping Document – Quentin Fairbanks –  
***DECISION ITEM***
2. Mille Lacs County Five Year Plan Amendment – Quentin Fairbanks –  
***DECISION ITEM***
3. Sherburne County Five Year Plan Amendment – Quentin Fairbanks -  
***DECISION ITEM***
4. Red River Basin Watershed District Plan Expiration Date Extension – Gene  
Tiedemann – ***DECISION ITEM***
5. Wilkin County CLWM Five-Year Update Extension – Rob Sip – ***DECISION ITEM***



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Cook County PCSD ☐

Meeting Date: September 26, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: North Region Water Plan Committee(s)

Presented by: TBD

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☒ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: \_\_\_\_\_

### ACTION REQUESTED

Approve the Cook County Priority Concerns Scoping Document (PCSD) and the letter to the County regarding the Official Comments pertaining to the State Review of the Cook County PCSD.

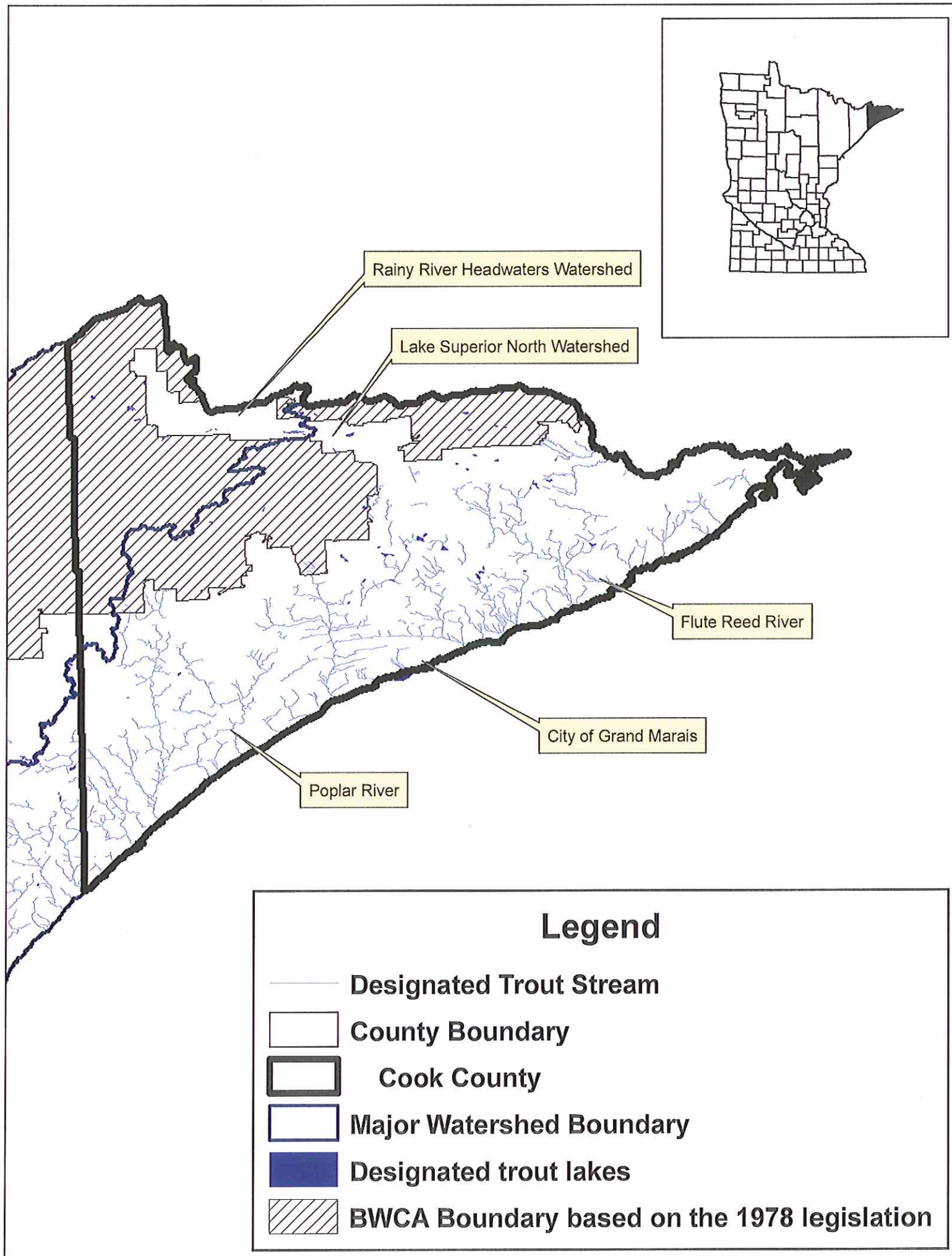
### SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Cook County received approval for a two year extension of their current plan on June 22, 2011. The extended expiration date of the current plan is October 26, 2014. The extension was requested to allow new staff at the County and SWCD responsible for development of the update administration of the water plan time to become familiar with the local issues and processes to create a more effective, updated plan.

As required, the Cook County PCSD was distributed to State agencies for review. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agencies commended the process to identify the priority concerns and concurred with the selected priority concerns. As recommended by the Board Conservationist at the BWSR North Region Water Plan Committee, all agency comments will be incorporated into the final plan.

The BWSR North Region Water Plan Committee determined the Cook County PCSD satisfies the requirements of M.S. 103B.312 at their September 12, 2012 regular meeting and unanimously recommended full BWSR approval.





# **Cook County Local Water Management Plan 2013-2023 Update**

## **Priority Concerns Scoping Document**



*The mission of Cook County Soil & Water (SWCD) is to improve water quality in Cook County by fostering responsible land use and by controlling soil erosion and non-point source pollution. The Board will encourage local conservation efforts by providing educational, technical, and financial assistance for local land users.(adopted June 2000)*



*Prepared by:*  
Cook County SWCD  
Cook County Court House  
411 West 2<sup>nd</sup> Street  
Grand Marais, MN 55604



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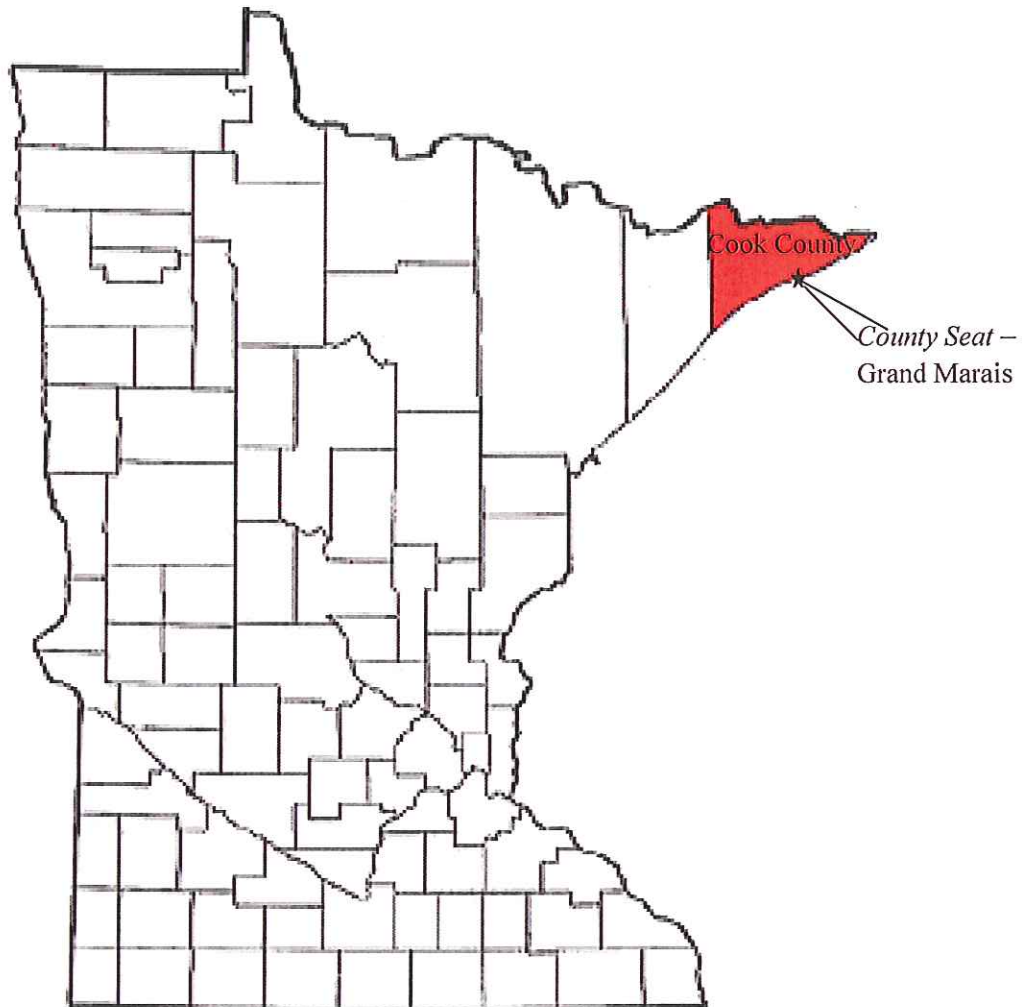
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## Cook County Priority Concerns Scoping Document

### A. Introduction

The following Priority Concerns Scoping Document was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes 103B.304-103B.355. This scoping document lists the priority concerns that the Cook County Water Plan Advisory Committee has chosen along with a detailed account of how these concerns were identified and chosen.

### *County Primer*





### ***Population and Projected Trends***

Cook County is located in northeastern Minnesota, sharing one boundary with Lake Superior, another with Canada and the other with Lake County. The county seat is located in the City of Grand Marais. Cook County is comprised of three townships (Schroeder, Tofte, Lutsen) and two cities (Grand Marais, Grand Portage). Grand Portage is located within tribal land on the Grand Portage Reservation.

The 2000 United States Census reported a county population of 5,168 people. The 2010 United States Census reported a county population of 5,176 people, a 0.2% increase in population over 10 years.

According to the United States Census Bureau the population trend for Cook County is as follows:

<i>Area</i>	<i>2000</i>	<i>2010</i>	<i>Change Actual</i>
East Cook UT	814	775	-39
West Cook UT	1671	1616	-55
Grand Portage	557	565	8
Grand Marais	1353	1351	- 2
Lutsen Twsp	360	415	55
Schroeder Twsp	187	205	18
Tofte Twsp	226	249	23
<i>Total</i>	<i>5168</i>	<i>5176</i>	<i>8</i>

*Source:* US Census –factfinder2.census.gov

The population of Cook County is not predicted to change much in the future. The long-term population projections for Cook County suggest stable to possibly slightly declining for year round residents and increases are predicted for seasonal or part-time residents.

### ***Dominant Land Use/ Projected Trends***

Cook County covers a total area of 3,339.72square miles; 1,450.60 square miles of the area is land and 1,889.12 square miles of the area is water. Cook County is part of the Lake Superior North basin and the Rainy River basin. The dominant land use is public forest management by federal, tribal or state management. Approximately 9% of land base is in private ownership.

#### ***Land use in Cook County:***

<b>Description</b>	<b>Acres</b>	<b>Percent of Total</b>
Urban/Industrial	832.4	<0.1
Farmsteads and Rural Residences	338.0	<0.1
Other Rural Developments	2309.2	0.2
Cultivated Land	0.0	0.0
Grassland	2745.1	0.3

Shrubby Grassland	13871.7	1.3
Regeneration/Young Forest	86219.2	8.4
Mixed Forest	520700.8	50.7
Deciduous Forest	114543.3	11.1
Coniferous Forest	117114.5	11.4
Wetlands: Bogs	33582.2	3.3
Wetlands: Marsh and Ferns	24043.0	2.3
Water	110424.4	10.7
Gravel Pits and Open Mines	664.5	0.1
Bare Rock	190.5	0.0
<b>Total</b>	<b>1027578.8</b>	<b>100%</b>

*Source: The Land Management Information Center (LMIC) 1999*

### ***Plan Information***

Cook County Soil and Water Conservation District is the local government unit responsible for the local water management plan in Cook County.

Cook County adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999. During 2004, the Local Water Plan Committee met to begin revision of the water plan. The plan expired on December 31, 2005. It was completed and the water plan was revised for 2006-2011. Due to staff turnover, an extension was granted to Cook SCWD on June 22, 2011 for a two year extension for the Water Plan update. The extension is granted until October 26, 2014.

### **B. List of the Priority Concerns**

- Land use and Development Impact on Watersheds
- Sub-surface Sewer Treatment Systems
- Education and Engagement
- Groundwater
- Stormwater
- Wetlands
- Surface Water Quality Monitoring
- Impaired Waters Restoration

### **C. Priority Concerns Identification**

#### ***Public and Internal Forums to gather information***

- *Public comment -Citizen Surveys* – August 15, 2011 – December 22, 2011

Surveys were distributed in the summer in an attempt to reach seasonal residents while they are in the area. They were available to the public for an extended amount of time in an attempt to gather as many surveys as possible. Announcements of the update and calls for citizen concerns were in the form of a news article in the local paper and on the community website: boreal.org along with surveys readily available at different locations. Surveys were located at:



Grand Marais Public Library, Cook County Court House – SWCD office, Cook County Fair, Hovland Post Office, Clearview General Store (Lutsen), North Shore Market (Tofte), summer best management practices workshops and the Cook County SWCD website. Input is provided as Appendix I – Citizen Survey Summary.

- *Notification of Plan Update* – October 13, 2011 – November 30, 2011

Notice of intent to update the plan and a request to submit comments on priority concerns were sent out. Requests were sent to the Biology and Environment Department of the Grand Portage Band of Chippewa, Board of Adjustments, BWSR, Cook County CoLA, City of Grand Marais, Grand Portage Tribal Council, Township of Hovland, Township of Lutsen, Township of Schroeder, Township of Tofte, Cook County Visitors Bureau, Department of Natural Resources (fisheries), Environmental Quality Board, Cook County Extension Office, U.S. Forest Service (Grand Marais office), Gunflint Trail Association, Cook County Highway Department, Lake County SWCD, MN Department of Ag, MN Department of Health, MPCA, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Cook County Planning Commission, Poplar River Management Board, Cook County SWCD board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

Comments were returned from the Biology and Environment Department of the Grand Portage Band of Chippewa, BWSR, City of Grand Marais, Flute Reed Partnership, Cook County Highway Department, Minnesota Department of Health, Minnesota Pollution Control Agency, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Poplar River Management Board, Cook County SWCD Advisory Board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

- *Water Advisory Committee Meetings* – August 15, 2011, September 21, 2011, October 10, 2011, November 21, 2011, January 17, 2012, February 23, 2012, March 28, 2012, April 25, 2012, May 21, 2012, June 18, 2012, July 16, 2012.

The task force consisted of the seven members of the Water Plan Advisory Committee, the Cook County SWCD Water Planner, Cook County SWCD District Manager, one personnel from Cook County Planning and Zoning, one member from the MPCA and one local contractor.

The committee met throughout the process to decide on the citizen survey, organizations to include for input, review citizen surveys and agency input and then select priority concerns. A summary of all input is provided as Appendix II – Summary of Local Government Input.

#### **D. Priority Concerns Selection**

##### ***How priority concerns were chosen***

The following priority concerns were selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

**Land Use and Development Impact on Watersheds**

Land use and development appears in a variety of forms in the County. Due to the limited amount of private land in the county, the task force felt that development is a continuing, if not an increasing concern in the area. It was also selected as a second priority concern by citizens in the County. Development occurring in the area is increasing around lakes and within the immediate sub-watersheds of inland lakes and Lake Superior. If it is not done properly, development could impact both surface and groundwater water quality. It can also impact natural habitat destruction, the third ranked concern of the citizens. The group shares the common understanding that what happens on the land will impact the water.

Increased development leads to additional clearing, and an increase in numbers of driveways and roads, eventually altering the natural flow of water through a watershed. Flow path changes can lead to increased water velocity, sediment load, and flooding. There will also be additional demand for drinking water.

Forestry is a common land use in the County. Forestry on public land follows specific regulations and does not need support provided in the water plan. Disturbance on land greater than 20 acres has support through various programs. Development and logging on private property, often less than 20 acres, has very little support for reforestation and re-vegetation. Assisting private landowners with acreage under 20 acres, forestry in riparian and shore land zones, and education are topics the task force would like to address in the water plan.

**Sub-surface Sewer Treatment Systems**

Citizen surveys ranked sub-surface sewer treatment systems (SSTS) as their number one concern for resources in the county. The Committee also feels this is a top priority as it is a situation that needs continued attention and support. Cook County has a shallow soil profile, high development around lakes, and a rolling landscape. Lakes with failing systems in their sub watersheds have shown an increase in nutrient levels.

Improvement of wastewater management is a priority in the county. The county accomplished improvements through an SSTS inventory and inspection program around prioritized lakes. The county has witnessed the benefits of this project. The inventory and inspection program has proven effective and the task force feels it would be beneficial to incorporate the program into the water plan. Incorporating the program will ensure more inspections are done systematically on prioritized lakes.

**Education and Engagement**

The Cook County task force and citizens feel education is a very necessary aspect of the Water Plan and could be improved. Thus Cook County decided to make education and engagement its



own priority concern. Education and engagement will be beneficial to the residents of the community if it has a more local and regional focus.

The task force will be incorporating education and engagement activities into the water plan which may include such topics as, impaired waters, TMDLs and best management practices, and lake water use by households. Other priority concerns within the water plan will be focused under this priority. The education and engagement priority is a valuable tool to successfully implement and maintain healthy watersheds.

### **Groundwater**

Groundwater was not a top priority concern of the citizens or of other groups and agencies contacted. Upon discussion, the task force concluded that, in planning for the future of Cook County, this is a topic that needs more support in the water plan. Various issues have been brought into the forefront lately regarding the County's groundwater.

The Minnesota Department of Health has seen problems with contaminated ground water for drinking as a result of septic systems and the soil cover. The East end of the County, in particular, has problems with excessive groundwater mineralization due to local geology. The task force discussed procedures to incorporate into the water plan that might help address the problem: creating a geological atlas, well testing to determine yield and water quality and quantity, sealing unused wells and unsealed wells, and general education about groundwater.

### **Stormwater**

The combination of steep slopes and thin soil cover makes stormwater a continual concern. Over the past few years, the area has received large rainfalls causing erosion, flooding, and increased sediment load entering rivers, inland lakes and Lake Superior. Some areas in the county are more prone to stormwater problems than others.

The task force feels that a few ways to address the stormwater concerns of the areas more prone to stormwater problems are through collaboration, hydrological modeling and assessment, and administration of subdivision ordinances. The development of a strategy/plan for a county -wide plan (county, townships, and city) is also a beneficial tool mitigating stormwater. Timely maintenance of culverts and retention ponds are also part of stormwater mitigation. Located in the county is a stormwater retention area, known as the village ditch; the committee would like to work towards having the county and the city of Grand Marais manage this area more efficiently and effectively.

### **Wetlands**

The majority of the wetlands in the county are pristine and intact. Wetlands are a valuable part of clean water quality. Public lands in the county fall under the Wetland Conservation Act and have

their own wetland management plan. Items to be included in the revision are continuing the work of maintaining healthy wetlands, addressing education and collaboration, wetland banks, enforcement of maintaining wetland regulations and a wetland management plan.

#### **Surface Water Quality Monitoring**

The county has been monitoring the health of lake water through grants since 2008. This has been valuable in identifying issues, working with landowners to promote healthy waters, and creating a water quality baseline of lakes in the area for future reference. Monitoring both ground water and surface water are valuable for maintaining the viability of our lakes and for mitigating potential problems in our region. Also included in the monitoring is beach monitoring of e-coli levels. Additional monitoring could be done with non-point source pollution. Monitoring streams within watersheds will help locate areas of stream instability and sources of increased sedimentation.

#### **Impaired Waters Restoration**

Cook County has two impaired streams for sediment and several lakes impaired for mercury. As a more intensive study of the area takes place over the next several years with the MPCA more impaired waters may be discovered. The committee would like to focus this priority on restoring habitats and water quality of impaired waters. It will also be important to minimize stressors creating non-point source pollutants.

#### **E. Priority Concerns not addressed by the Plan**

The following priority concerns were not selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

Roads were not selected as a priority concern and instead will be addressed as action items within the plan. The task force felt this was a concern but many aspects are already working well such as permitting and collaboration between Planning and Zoning and the contractors. Areas that will be further explored into include private road design and construction, maintenance of roads and culverts, fish passage culverts, and education for county employees.

Environmental Impacts will not be addressed as they are already covered by the Cook County Planning and Zoning office in their ordinances.

Aquatic Invasive Species are adequately addressed by the Minnesota Department of Natural Resources and therefore will not be included on the revision.

Lake Classification is currently done by the Department of Natural Resources. Additional research and information about different classifications needs to be done but will not be included at this time in the plan.



Taconite Harbor is an area of concern regarding point source pollution. The MPCA is the governing body working with the Harbor and any pollution issues. Cook County has no responsibility here.

*Appendix I – Summary of citizen Concerns from the Citizen Survey*

**Citizen Concerns:**

***Watersheds:***

**Lake Superior:** 63 surveys

**Rainy Lake:** 2 surveys

**Total:** 67 surveys returned (not all surveys indicated the watershed)

***Top Problems in Cook County:***

Failing Septic Systems: 43

Development pressure/impacts: 31

Natural Habitat Destruction: 25

Stormwater/ Drainage management: 22

Lack of Environmental Education: 17

Erosion: 17

Over-application of fertilizers: 17

Declining Water Clarity: 17

Other: 17 (*See Other Comments*)

Lack of Regulations: 15

(*See Lack of Regulations*)

Contaminated Runoff: 14

Groundwater Contamination: 11

***Other Comments:***

Impact of rental vacation home

No wake zones needed

Motorized Recreation Erosion Impacts

(5) Lack of Enforcement of Current Regulations

Inconsistent Enforcement

Inconsistent Interpretation

Lack of BMP's on Shoreland

(2) Impervious Surface and Prescribed Burning

(3) Prescribed Burns

Long Term Effects of Mining

Fluoride in city water

Why is this survey geared to making us

choose the worst things? Surely you

should be able to find some good

examples in our area, such as, our Lake

Superior has the cleanest, clearest water

in the world!

***Lack of Regulations Comments:***

Enforcement of Clearing Buildings

Conformance to regs that are constantly changing

**Most Threatened Resources:**

1 -Lakes

2 -Streams/rivers

3- Wetlands

4 - Groundwater

***Actual numbers:***

<i>Rating</i>	<i>Groundwater</i>	<i>Wetlands</i>	<i>Lakes</i>	<i>Streams/Rivers</i>	<i>Other</i>
1	6	11	33	9	1
2	6	16	6	24	1
3	13	13	15	10	
4	26	14	1	9	
5	2				2

***Other Concerns:***

Native Plant Community

Watersheds Around Lakes

Undeveloped land Management

Forests

**Additional Comments:**Septic Systems:

- When property is sold, septic should be inspected.
- Concerned that failed septic systems are not being replaced. No carrot? No stick? Unfortunate owners were not given deadline to replace. Were options explained to them, told 3% low interest loans available through Soil and Conservation? Ideal situation would be for State of MN to require all systems upgraded at time of sale (surely not everyone would go across the border to purchase a cabin).
- Get serious about point-of-sale septic inspections. Require realtors to include this requirement in closing statements.
- Hire contractors to do follow-up inspections of septic systems that have failed.
- Abuse of holding tanks. Some using them use gray water systems or dump waste water directly on the ground to avoid the high cost of pumping the tanks.
- There needs to be a mandated pumping schedule especially for those living here full time.
- Strong septic ordinances imperative with proper enforcement if systems fail.
- The county needs to pass and implement a strong septic system ordinance in order to protect the pristine lakes in Cook County and also protect our wetlands and groundwater.
- I checked failing septic systems because that is the ONLY area of concern that I have about the watershed. I am hesitant to even state that as I have concerns about government over-regulation regarding septic. The most helpful thing that the county can do in this is to continue to offer financial assistance. No one wants a failing septic, but the cost to repair is so high, people can't afford to do the right thing. Also, the county should offer assistance to people who want to get rid of outhouses & install septic - not just the repair of failing systems.

Invasive Species:

- Invasive Exotic Species: 1. Aquatic prevention 2. Terrestrial prevention and control



- Aquatic Invasive Species

Boating:

- We need to keep after speed boats-hard on water quality!
- No Wake zones are needed on lakes

Enforcement:

- More enforcement of existing regulations.
- Educate county commissioners regarding importance of existing regulations which require oversight.
- Actually all of the above need to be addressed. Regulations enforced regardless of wealth and/or business.

Ground Water

- I am extremely concerned about possible groundwater contamination in cook County due to present mining exploration.

Other:

- The poplar river system is getting too much emphasis and tax dollars-natural erosion has always existed!
- Poplar River over developed with condos, golf course, ski hill, selling off of upper river properties, removal of too much vegetation.
- West End- more resort owners.
- Fragmentation of sections of Cascade River
- Department of Transportation needs to be accountable for soils disturbance, land clearing and alteration, and seed (species) used for stabilization/re-vegetation.
- Would appreciate assistance and efforts on native landscaping especially at wetland areas.
- Thank you for taking the time to do this survey and work on public awareness.
- I am extremely concerned about connection between the economic meltdown occurring nationwide/globally and the ideas promoted by conservation politicians to do away with environmental regulations. That is absolutely the wrong path to take and we must be diligent in this county to preserve our natural resource treasures.
- Stopped prescribed burning
- Stop prescribed burning
- This survey is a bit skewed, as there is no option to enter "no problem."
- With only 9% of the land in our county available for any sort of development (existing or future), I don't think there are major watershed concerns. With all of the protected, natural lands, the little bit of developed area in our county is not going to harm the watershed. Even if all 9% was mismanaged (which it is not, previous generations have been mindful of caring for the earth), all of the protected areas more than mitigate any problems.
- I don't think more government oversight is needed. If anything, the government needs to give people more freedom to do what they want with their own land.

- Stop with the surveys & regulations, we are being regulated to death now! Don't you realize that our county is mostly Federal & State lands, that our privately owned lands are very limited. Our children aren't able to build without putting so much money out, due to the regulations on both the septic & wet lands controls now in effect, that they can't afford to stay in the county!! Can't even build an outhouse without having to get specs from the County and have to build it exactly, or get fined. Don't people realize too, that we as locals haven't destroyed our area, in the centuries our families have lived in and protected the area. We consider this our own "Part of God's Green Earth", to live in, work in, and, enjoy! We truly do want to see it survive for our descendants!
- What about fluoride in municipal water supplies in the Great Lakes watershed? It's a totally toxic chemical that is not meant to be ingested by humans. Who knows what it does to aquatic life? The Fluoride Action Network website has a lot of time to stop this crazy practice and perhaps pressure from your organization can help.

*Appendix II – Summary of Agency and Local Units of Government Input*



## **Draft Priority Concerns for Cook County**

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## Development

### **PRIORITY CONCERN: Water Quality Management - General Land Use and Development**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* Continue to encourage and enhance enforcement of existing and future conditional land use permits to property owners as they affect *overall* water quality including surrounding properties affected by proposed changes.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

### **PRIORITY CONCERN: Landscape scale land management and land-use impacts to water quality and quantity.**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Sustaining or improving water quality and quantity in North Shore streams and Lake Superior is primarily dependent on the management and land-uses of the terrestrial environment. MPCA has already identified at least two streams (Poplar River, Flute Reed River) in which water quantity and/or quality is compromised in the lower reaches.

The lower reaches of many of the subwatersheds in Cook County's portion of the Lake Superior watershed are a mix of public and private ownership. Achieving desired water-related outcomes will require a collaborative approach at a variety of scales ranging from individual subwatershed to broad landscape scales.

MPCA expects to begin intensive monitoring of Lake Superior watershed in 2013. (For details see: <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/surface-water/watershed-approach/watershed-approach.html>)

Developing relationships now among land management agencies, private landowners or landowner groups for collaborative planning, decision-making and implementation of management needs identified through the MPCA process will improve the likelihood, efficiency and success of implementing strategies to meet water quality standards. The Cook County SWCD's role in water resources planning and focus on work with private landowners and local units of government make it an essential partner in working to address landscape scale land management issues collaboratively in order to meet water quality standards.

*What actions are needed?* Continue and improve working relationship with MPCA, NRCS, Broaden or establish working relationships with land managers, i.e. Superior National Forest, MNDNR and local watershed groups like the Flute Reed Partnership. One important avenue for this would be participation in the North Shore Forest Collaborative (NSFC).

*What resources may be available to accomplish the actions?*

For NSFC contact Rebecca Bartol at [rbartol@fs.fed.us](mailto:rbartol@fs.fed.us) or 218-387-3207.



*What area(s) of the county is high priority?*

Areas with mixed public/private ownership.

*PRIORITY CONCERN: Development*

*Why is it important the plan focus on this concern (include or cite relevant data)?*

To keep up with development.

*What actions are needed?*

Need zoning to cover this. Education and Demonstration Projects

*What resources may be available to accomplish the actions?*

County Board, Soil and Water Office, BWSR

*What area(s) of the county is high priority?*

Lake Superior and Rivers

## Roads

### **PRIORITY CONCERN: Road/Design, Construction, and Long Term Impact**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* Provide assistance with older developments to improve water quality issues and fix problems with older roads.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

### **PRIORITY CONCERN: Ditch Erosion**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

The erosion of ditches is important in that effects the hydraulic functionality of ditches. Additionally, erosion of soils can be deposited in culverts and thus reducing the capacity of the effected culverts.

*What actions are needed?* Continue to monitor ditches for erosion. Repair any damage to ditches and ensure that vegetative cover and/or other soil stabilization measures are utilized.

*What resources may be available to accomplish the actions?* General Highway Funds

*What area(s) of the county is high priority?* Areas of roadways near Lake Superior where roadway longitudinal grades can be excessive due to terrain.

### **PRIORITY CONCERN: Water Quality Management – Roads/Design, Construction and Long Term Impacts (Priority Concern #3D in 2006-2012 Cook County Water Plan)**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Conventional culvert design focuses on the structure's ability to pass water without affecting road stability with little to no regard for long-term stream stability or the movement of aquatic organisms through the structure. Transport of sediment through the structure is also frequently neglected in design. The result, even when constructed as designed, is often an undersized structure that alters the overall combined water & sediment transport capacity of the stream, inhibits fish migration, and destabilizes the stream causing erosion and sedimentation.

*What actions are needed?* A commitment to fund the design of road crossings to include the critical functions of: 1) sediment transport, 2) aquatic organism movement, and 3) water passage. Road crossing structures that achieve all three of these functions will often be either bridges or culverts larger than would have been selected using historic design criteria, which may cost slightly to moderately more initially but typically carry less long-term maintenance and/or emergency repair costs.



For reference, Chapter 4 (“Cost Analysis and Comparison of MESBOAC and Other Alternative Culvert Designs”) of the *Center for Transportation Studies Research Report #2009-2020* sponsored by MNDOT and the University of Minnesota serves as an example of design methodology that can be used as an alternative to traditional culvert design. (<http://www.cts.umn.edu/Publications/ResearchReports/reportdetail.html?id=1796>)

*What resources may be available to accomplish the actions?* Cook SWCD, the MNDNR Two Harbors Area Hydrologist, MNDOT, the U.S. EPA’s Great Lakes Restoration Initiative (<http://www.epa.gov/glnpo/glri/>), and various other local, state and federal agencies.

*What area(s) of the county is high priority?* Highest priority is on the designated trout streams and tributaries within the Lake Superior watershed, but all public waters stream crossings in Cook County are a priority.

**PRIORITY CONCERN: Sedimentation associated with construction and road maintenance.**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Where there has been some improvement, road construction and maintenance projects supervised or regulated by the County continue to take effective erosion controls. Contractors often waste time and resources installing silt fence along the edges of projects in upland areas, while paying little attention to waters and wetlands. Flow down exposed ditches is often left unimpeded, or is only lightly addressed by a minimal number of erosion control structures. Ditch cleaning operations have been done with no erosion control at all. These operations sometimes have been so extensive that they result in actual drainage of wetlands along the ditches. Excavation of ditches on County Road 60 are an example. Ditch erosion is compounded by the tendency to use ditches to gather water and direct it to one culvert, when the flows involved should actually be channeled through several culverts to keep those flows on the landscape. An example would be the ditch along County Road 16.

*What actions are needed?* County employees and all contractors must be made aware of required erosion control practices, and must strive to make effective use of erosion control measures. Penalties for inadequate erosion controls should be written into construction contracts, and should be enforced. Excavation and clearing of ditches should be minimized. Where erosion or heavy vegetation are recurring problems, ditches should be armored with riprap, and structures should be placed to slow flows (as was done on County Road 4). All flowages should be culverted with properly sized and placed culverts - ditches should not be used to collect and concentrate flows.

*What resources may be available to accomplish the actions?* Inland lakes and streams with public and private access and Lake Superior.

*What area(s) of the county is high priority?* Lake Superior watershed, where there are many small, high-gradient streams and terrain (for roads and streams) is challenging.

**PRIORITY CONCERN: Fish Passage**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Many culverts currently in place on private and county roads are undersized and badly placed. These culverts block fish passage by creating drop barriers or high velocities. The use of flat-bottomed concrete culverts exacerbates the problem. Beyond fish passage concerns, these culverts also have an adverse effect on water quality, since they are prone to washing out, and often erode stream beds and banks downstream.

*What actions are needed?* In almost every case, old culverts, when due for replacement, should be replaced with larger units, sized and placed following MESBOA guidelines. The worst existing culverts (regardless of condition) should be scheduled for replacement based on potential improvements in fish passage. Culverts at crossings where stream gradients are high, or culverts that would have to be long to accommodate roadbed slopes, should be replaced with bridges.

*What resources may be available to accomplish the actions?*

In the Lake Superior watershed, several agencies provide funding for fish passage improvements. Cook County has worked with some of those agencies, and is familiar with their application processes. Funding may also be available for Legacy Amendment Outdoor Heritage Fund through the Lessard-Sams Council.

*What area(s) of the county is high priority?* Streams in the Lake Superior watershed, trout streams, and selected trout stream tributaries.

**PRIORITY CONCERN: Work with Cook County Highway Department**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

A DNR study, early 2000: showed roads were biggest contributor to sediment in our rivers.

*What actions are needed?* To have SWCD help the Hwy Department understand how important they are for water quality. Encourage them to follow the Storm Water Ordinance and prioritize the use of erosion control blankets, etc.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

**PRIORITY CONCERN: Roads**

*Why is it important the plan focus on this concern (include or cite relevant data)?* Private Roads and Water Flow, Erosion/sediment/pollution

*What actions are needed?* Need to update and educate owners

*What resources may be available to accomplish the actions?* Citizen Groups to review

*What area(s) of the county is high priority?* Inland Lakes and Tourist Industry



## Sub-surface Treatment Systems

**PRIORITY CONCERN:** In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?*

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate *all* subsurface septic treatment systems into the plan (not just private property).

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

**PRIORITY CONCERN:** Nutrient loading from failed septic systems

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Lakes in Cook County tend to be low-productivity waters, with phosphorus a limiting factor. Many shallow lakes in the area are able to maintain game fish populations only because their productivity is so low. Many deeper lakes are able to maintain trout populations for the same reason. Increase nutrient flows from septic systems threaten those lakes by increasing the probability that shallow lake swill winterkill, and that deeper lakes will lose their hypolimnetic oxygen, essential to maintaining trout over the summer.

*What actions are needed?* Continue inspecting septic and other waste treatment systems, and require systems to be upgraded when no longer in compliance. Create a fund to help owners pay for the costs of upgrades. Maintain large lot sizes on developed lakes by denying re-zoning requests.

*What resources may be available to accomplish the actions?* Funding may be available from the Legacy Amendment Clean Water Fund.

*What area(s) of the county is high priority?* Target shallow lakes and trout lakes with significant shoreline development. Specific lakes include: Clara, Tait, Christine, Caribou (in Lutsen), Bigsby, Devil Track, Pike Hungry Jack, Deer Yard, Trout, Lost, Birch, Mayhew, Clearwater, Kemo, Pine (Trestle-Pine), West Twin, East Twin, Talus, Gust Mink, Gunflint, Greenwood, Sea Gull, Leo, Flour, East Bearskin, West Bearskin, Aspen, Road, and Squint.

**PRIORITY CONCERN: Septic systems**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* Monitor and test

*What resources may be available to accomplish the actions?* Planning and Zoning

*What area(s) of the county is high priority?*

**PRIORITY CONCERN: Subsurface Sewage Treatment Systems in Riparian and Shoreland Areas**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

The Cook SWCD in cooperation with the County submitted a fiscal year 2012 Board of Water and Soil Resources Clean Water Fund application to address inspections and improvements to subsurface sewage treatment systems (SSTS) on lakes with increased development. Addressing SSTS issues, specifically failing systems, will reduce pollutants entering local rivers, streams, lakes and groundwater.

*What actions are needed?*

- Continued partnership between the Cook SWCD and the County to pursue funding to complete inspections and compliance efforts in riparian and shoreland areas.
- Prioritize lakes and riparian areas to complete inventory and compliance checks.
- Development of an SSTS inventory and compliance database.

*What resources may be available to accomplish the actions?*

- Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
  - Minnesota Pollution Control Agency - 218-723-4660
  - Cook County Planning and Zoning
- (include contact names, funding sources, partnerships, citizen volunteers, etc.)

*What area(s) of the county is high priority?* Riparian and shoreland areas.

**PRIORITY CONCERN AND ACTIONS:**

Septic systems and sewage management, We have completed our initial listing of lakes identified for our Lakeshore Septic Compliance Program, and have tentatively identified a few additional lakes to continue on provided there is funding to do so. It is a concern of the P & Z and Environmental Health Department to make sure that all of the septic systems that had been determined to be failing as a result this inspection program are replaced or repaired in accordance with the Minnesota Rules. It is also a priority of the department to produce a more exhaustive listing of the next prioritization of lake areas for the continuation of the Lakeshore Septic Compliance Program. It is also another priority of the department to finish up and adopt a new septic management ordinance to ensure a clear understanding of the requirements for the property owners, septic contractors, realtors and other interested parties within the county. Lastly, it is a priority to monitor the success of the current Septage de-watering and composting process, and to have pre-planned alternatives should that process fail to success in the long run.



**PRIORITY CONCERN: In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?*

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate *all* subsurface septic treatment systems into the plan (not just private property).

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

## Education

*PRIORITY CONCERN: Education*

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* Images, BMPs, examples of good and bad practices, case studies, information to schools

*What resources may be available to accomplish the actions?* Grants

*What area(s) of the county is high priority?*

*PRIORITY CONCERN: Education*

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* TSSSD believes strongly in continuing education initiatives and we encourage and will continue to support joint efforts among water management groups such as our co-sponsorship of the successful annual workshops on clean water issues.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*



## Ground Water

**PRIORITY CONCERN: Protect ground water-based drinking water sources within Cook**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The remainder of Cook County's citizens depend on ground water for drinking water. Wellhead protection efforts will result in public water suppliers developing and implementing wellhead protection plans in the future. Public water suppliers within the county should be listed within the county management plan: Pine Mountain Mobile Home Court. Private wells also need protection from potential contaminant sources. This can be accomplished by maintaining proper setbacks to potential contaminant sources and related land use educational efforts.

***What actions are needed?*** Acknowledgement and support of public water supply wellhead protection areas within the county. Consider wellhead protection areas when making land use decisions. Work with community and non-community public water suppliers in development and implementation of wellhead protection activities. When requested by a public water supplier, provide aid in efforts to locate wells for ground water modeling efforts undertaken in wellhead protection. Develop a water quality data base to track contaminants of concern in the ground water. The MDH may be able to offer technical assistance in this effort.

***What resources may be available to accomplish the actions?*** State, County and other local units of government or public water supplier staff time to provide input into development and implementation of wellhead protection plans and county-wide land use planning.

***What area(s) of the county is high priority?*** As community and non-community non-transient public water suppliers complete wellhead protection plans there will be designated "drinking water supply management areas". As these areas are approved by the MDH they are posted on the above listed website. All non-community transient public water suppliers have a 200-foot radius surrounding the well that is designated as the wellhead protection area.

## Forestry

### **PRIORITY CONCERN: Forested Land**

#### *Why is it important the plan focus on this concern (include or cite relevant data)?*

While it may be stable in total acres some of it especially along the shore is declining in health. The birch trees are dying and there really isn't a lot of understory present to replace them. A healthy forest will provide better water quality from reduced erosion as one example. There is also a greater chance for invasive species to grasp a foothold in these areas since the canopy is quite open. And let's not forget climate change.

#### *What actions are needed?*

#### *What resources may be available to accomplish the actions?*

NRCS (to eligible folks), the North Shore Forest Collaborative

#### *What area(s) of the county is high priority?*

### **PRIORITY CONCERN: Forest Land Management for Landowners of Less than 20 Acres**

#### *Why is it important the plan focus on this concern (include or cite relevant data)?*

Forest land management has a direct influence on water quality. Forest land management can be connected to trout stream impairments (turbidity, temperature, nutrient loading), habitat degradation (land fragmentation) and soil loss (erosion control). In addition, forest species management can play a role in snow melt duration and retention of rain water on the land.

#### *What actions are needed?*

- Focus on assisting landowners with forest management practices.
- Develop an inventory of forested landowners owning less than 20 acres. As part of the inventory indicated if property is within a riparian or shoreland zone and if the property is in a watershed with an impaired waterbody. This inventory will assist in prioritizing and targeting landowners for participation in conservation.
- Public outreach to new landowners and landowners of less than 20 acres.
- Coordination between local, state and federal land holders.
- Continued participation on local special interest groups.

#### *What resources may be available to accomplish the actions?*

- Cook SWCD - Kerrie Fabius
  - Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
  - North Shore Forestry Collaborative - Cheryl Erickson cle329@gmail.com
  - Minnesota Forestry Association - <http://www.minnesotaforestry.org/>
  - Minnesota Forest Resources Council - Lindberg Ekola 320-256-8300
- (include contact names, funding sources, partnerships, citizen volunteers, etc.)

#### *What area(s) of the county is high priority?*

Landowners of less than 20 acres, specifically on riparian and shoreland forested lands.



## Stormwater

**PRIORITY CONCERN: Support and Demonstrate Rainwater harvesting systems for alternative water source, storm water control, non-point source pollution prevention, fire water source, and irrigation. There has been an expressed interest in using rainwater harvesting systems for the fire suppression systems put in place in areas without access to pump from a lake.**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

To allow demonstration and actual on the ground projects.

*What actions are needed?* Pass an ordinance allowing rainwater collection for potable (with treatment) and non-potable uses. Support the department of labor and industry adoption of a statewide RWH rule and/or adoption of the universal plumbing code (WPC) and/or Iampolh.5 Regs

*What resources may be available to accomplish the actions?*

Dave Stark  
arlsa.org  
319 Grants  
Promote RHS through  
educational seminars  
training

*What area(s) of the county is high priority?* All areas with non-point pollution or poor ground or surface water quality. Demonstrate a RHS with measurable results on storm water flows.

**PRIORITY CONCERN: Culverts that are undersized and poorly designed**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

SWCD Coastal Grant Study

*What actions are needed?* Replace culverts and “do it right”

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

**PRIORITY CONCERN: Stormwater Management to Address Non-point Soil Erosion**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Recent historical weather trends indicate more frequent flooding and associated soil erosion. Cook County was included in federal disaster declarations for severe storms and flooding in 2009. This event had a significant impact on the City of Grand Marais and the surrounding area.

*What actions are needed?*

- Consider implementing design standards to address high rainfall events.

- Consider utilizing SWCD staff to assist in stormwater and erosion plan review and site inspections for temporary and permanent erosion control practices.
- Update the Cook County Property Owner's Resource Guide. Current version is dated 2007.

***What resources may be available to accomplish the actions?***

- Minnesota Lake Superior Coastal Program - <http://www.dnr.state.mn.us/waters/lakesuperior/index.html>
  - Cook SWCD - Kerrie Fabius 218-387-3649
  - Minnesota Department of Transportation - Todd Campbell 218-725-2744
  - Board of Water and Soil Resources - Ryan Hughes 218-723-4923
- (include contact names, funding sources, partnerships, citizen volunteers, etc.)

***What area(s) of the county is high priority?*** County - wide.

**PRIORITY CONCERN: Continued Improvement in Storm Water Management and Erosion Control & Erosion and Sediment Control**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The preponderance of clay soils and bedrock make development with adequate Best Management Practices (BMP) a priority. Disturbed soils can quickly enter lakes and streams and create further negative impacts, even water quality impairments. Disturbed areas can also lead to larger problems like major land slumps that can threaten road networks and building foundations and other infrastructure.

***What actions are needed?*** Recommended actions include continuing efforts to educate contractors in BMP designs that minimize/mitigate disturbance impacts, assessment of the effectiveness of the county ordinance and interaction with the state permit program to ensure full compliance for all development.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?*** High priority areas of the County are countywide.

**PRIORITY CONCERN: Storm Water Management**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The City Parks are on Lake Superior at the bottom of the watershed and have been effected in the past during storm events and flash flooding. The marina suffers from annual silt/sedimentation deposited directly from a 15" culvert terminating through the bulkhead. The park also maintains a large settling pond above the pool which flows out into a "dry creek" through the campground.

***What actions are needed?***

Inter-agency collaboration for planning and design of the city wide storm water system.  
Progressive ideas and incentives for alternative means of ice control in the winter - phase out salt sanding.  
Dedicated funding for implementation and maintenance of storm water treatment structures.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

The City of Grand Marais



***PRIORITY CONCERN: Stormwater and Erosion Control***

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?*

Continue to monitor stormwater controls that will focus on maintenance of private property and subdivisions.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

## Wetlands

**PRIORITY CONCERN: Wetland Protection** Wetlands are critical to the maintenance and protection of surface and groundwater.

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Wetlands serve as groundwater discharge and recharge areas, filter nutrients and sediment, sustain wildlife and aquatic organisms, and store water critical to the base flow of streams and health of watersheds. Threats to wetland integrity include inundation, excessive loading of nutrients and sediment, and physical disturbances.

Section 401 of the Clean Water Act provides the state with the authority to certify that issuance of federal licenses and permits do not lead to the degradation of public waters. This federal authority is also reinforced in Minn. R. chs. 7050 and 7052, which set standards for water bodies in the state, including wetlands. Similarly, wetland protection is reinforced in a number of policy documents like the Lake Superior Basin and Lake Superior lake-wide Management Plan.

*What actions are needed?* Recommended actions include identification of source water wetlands, development of incentives and policy that limit wetland losses and encourage wetland mitigation within the watershed/basin and development of trend monitoring to assess wetland acreage and quality.

*What resources may be available to accomplish the actions?*

*What are(s) of the county is high priority?* High priority areas of the County are; Lake Superior coastal area, headwaters of subwatersheds, subwatersheds that may be wetland poor per the National Wetland Inventory map coverage's.

**PRIORITY CONCERN: Wetland Management Plan**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Address a wetland mitigation bank. – It will identify wetlands and the impact that is allowed on them. It will allow the County to make its own rules, streamline and make more related to Cook County. It is a priority of the P & Z Department to pursue the drafting and adoption of a county-wide wetlands management plan to help in unique and challenging process of wetlands mitigation, restoration and banking within Cook County.

*What actions are needed?*

Inventory and identify wetlands; Create a wetland management plan; make it more localized

*What resources may be available to accomplish the actions?*

Joan Wait – Coastal Program; David Demmer; Wetland Team

*What area(s) of the county is high priority?*

Cook County wetlands

**PRIORITY CONCERN: Coastal Wetlands**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Areas of the Rec Park have been delineated and unique, coastal wetlands have been identified and mapped. The wetlands are vital to a healthy eco-system, as well as an attractive resource for visitors to experience. The Park Master Plan map depicts an interpretive wetlands trail on our coastline that would be an attraction for visitors.



*What actions are needed?* Maintain current, protective policies (rules) for wetlands. Funding for the relocation of the City garages which sit adjacent to the wetlands.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?* All coastal zones that include wetlands.

**PRIORITY CONCERN: Wetland Management**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?* Create a local wetlands bank to help homeowners establish yards and driveways while preserving *local* wetlands.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

## Other Considerations

*PRIORITY CONCERN, WHY, AND ACTION:* Environmental impact review (to include erosion control & storm water run-off and project design evaluations) – This is not to be confused with the official types of environmental review such as the EAW and EIS, although they may be a part of this concern. Even though we have seen a decline in the number of development projects, we do wish to make sure that all of the projects going through the official county level types of review and approvals adequately address the evaluations necessary for proper erosion control and storm water run-off infrastructure. This may be in conjunction with a simple land use permit, or through a more complex planned unit development. We would also like to continue to seek out those project areas that would benefit from the utilization of the Alternative Urban Area-wide Review (AUAR) form of environmental review as we have seen the benefits of a more comprehensive review of project areas rather than the narrowly focused EAW's and EIS's.

Essentially we are looking for a continuation of the all the concerns and priorities that were listed in the previous adopted water plan, but at this time, and in consideration of the current economic circumstances we are focusing more on the continued improvements in failing septic systems throughout the county ahead of the declining number of development projects.

### *PRIORITY CONCERN: Household Lake Water Use*

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Possible health threats depending on how water is being treating.

Also possible septic issues if not disposing of the water properly.

*What actions are needed?* Create a work plan for household water uses for lakes.

Inventory the lakes and household water use for developed lakes.

*What resources may be available to accomplish the actions?* SWCD, Joseph Routh, BWSR Implementation Grant

*What area(s) of the county is high priority?* Developed lakes

### *PRIORITY CONCERN: Water Quality Monitoring of Impaired Waters*

*Why is it important the plan focus on this concern (include relevant data)?*

In 2004 the MPCA listed the Poplar River as an impaired water for mercury and turbidity. This triggered accelerated monitoring and the development of a study to define the total Maximum Daily Load. The TMDL will be complete in 2012 for the Poplar River. Best Management Practices have been or are being implemented through efforts of the Poplar River Management Board (PRMB) formed in August 2005. Water Quality improvements have been documented. It is important that monitoring by Cook County, the State of Minnesota and the Federal Government continue to document improvements.

*What actions are needed?* Monitoring of impaired waters to track water quality improvements as best management practices (BMPs) are implemented so that delisting can be done as soon as standards are met.

*What resources may be available to accomplish the actions?*



The State and Federal Government and the University of Minnesota are funded to monitor water quality, manage the database and analyze the results. Priority is given to impaired waters. Local involvement by Cook County the Cook Soil and Water Conservation District, the University of Minnesota and the PRMB can reduce cost, improve quality and focus priorities of monitoring activities.

*What area(s) of the county is high priority?*

Impaired waters primarily located on the north shore of Lake Superior.

**PRIORITY CONCERN: Implement Best Management Practices**

*Why is it important the plan focus on this concern (include relevant data)?*

Considerable effort has been expended to identify priority areas for implementing corrective actions on the Poplar River. The reduction in sources of erosion and sedimentation has been significant. The remaining priority areas need to be implemented so that sediment reductions can be achieved and water quality standards met. Through December 31, 2011, large investments have been made by PRMB landowners and other stakeholders in implementing BMP's in the watershed. Landowner members of the PRMB have invested \$582,388 in cash, and a large amount of in-kind labor. In addition, Grants secured through this date total \$1,097,000. Thus a total of \$1,679,388 in cash has been committed to date, plus in-kind labor by stakeholders.

*What actions are needed?* County needs to update the Local Water Plan so that coordination of local units of government, landowners and federal and state agencies is provided, funds are allocated to the priorities and the remaining sources are removed. Landowner contracts are the primary method of implementing BMPs. The county is most often the contract administrator for projects.

*What resources may be available to accomplish the actions?*

The County, SWCD, local units of government, the PRMB and others can focus available resources according to the Water Plan priorities. Funding opportunities are available from private and public sources to fund plans and projects if they are consistent with the local water plan.

*What area(s) of the county is high priority?*

Impaired waters and high value resource waters in the county should be the focus of BMP implementation.

**PRIORITY CONCERN: Water Quality Monitoring**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

*What actions are needed?*

Continue to monitor and protect the *entire* Lake Superior Basin and all its tributaries as well as the inland lakes. We encourage you to continue monitoring and to create a better data management plan.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

All inland lakes and Lake Superior

**PRIORITY CONCERN: Obtain Funding for Water Quality Monitoring and BMP Implementation**

*Why is it important the plan focus on this concern (include relevant data)?*

It is important that the Local Water Plan identify funding as a priority because the cost of implementing BMP's and monitoring progress is high. As noted above, \$1,679,388 has been committed to date to the Poplar River



watershed, and we estimate that this represents about half the cost needed to complete all BMP's necessary to comply with water quality standards.

***What actions are needed?*** Preparation of applications, administration and management of project funds is needed by the County and the SWCD. The County needs to prioritize its limited resources and allocate them to the most important cost effective projects. This allows the County to seek funding from other available sources. Monitoring coordination and management is an important function that is most cost effectively administered locally. Applications for funding for monitoring should be provided through the County.

***What resources may be available to accomplish the actions?*** Cost share is required for most grants. The actions of the County, SWCD, PRMB and landowners are used for cost share. Efficient use of available resources are needed in order to complete projects and to improve, maintain and monitor water quality.

***What area(s) of the county is high priority?*** Impaired waters and high value resource waters in the county should be the focus of resource allocations including grants and associated cost share.

#### ***PRIORITY CONCERN: Aquatic Invasive Species***

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Aquatic (and terrestrial) invasive species are a major cause of biological diversity loss throughout the world, and are considered "biological pollutants." Their populations can disrupt native aquatic plant communities and crowd out native species. By changing habitat, they can also affect species beyond those they may directly displace. They can cause problems for both recreational and industrial users of lakes and streams. Once established, invasive species rarely can be eliminated.

Introduction of invasive species into County aquatic systems can negatively impact water quality, composition, structure and function of aquatic ecosystems and recreational use of lakes and streams.

***What actions are needed?*** Engage in educational activities to reinforce and locally tailor and expand MNDNR efforts to prevent introduction of aquatic invasives into area lakes and streams. Partner with/use established relationships with Cook County lake Associations to educate lakeshore owners and engage them in existing volunteer opportunities to prevent introduction of aquatic invasives into area lakes and streams. Establish AIS monitoring strategies to identify an AIS introduction quickly on individual lakes.

Educate and engage Cook County resort and outfitting businesses to prevent introduction of aquatic invasives into area lakes and streams.

With both of the above groups, develop applicable Best Practices protocols to prevent introduction of aquatic invasives into area lakes and streams and meet the legal requirements for use in their own activities and for promotion with their customers.

Consider establishing boat/equipment cleaning stations at various locations inland and on Lake Superior.

See [http://www.dnr.state.mn.us/grants/aquatic\\_invasive/index.html](http://www.dnr.state.mn.us/grants/aquatic_invasive/index.html) for grant opportunities.



*What resources may be available to accomplish the actions?* Inland lakes and streams with public and private access and Lake Superior.

*What area(s) of the county is high priority?*

**PRIORITY CONCERN: Re-evaluate the inland lake classifications for the County.**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Many lakes in NE MN have been identified as eutrophic when in fact they are dystrophic. This affects how a lake is managed.

*What actions are needed?* The evaluator would need to understand both the marl to dystrophic sequence and the oligotrophic to eutrophic sequence. My guess is that Poplar Lake and some of the other highly stained lakes are dystrophic. What that means from a management perspective is that dystrophic lakes tend to have much higher concentrations of nitrogen and phosphorus without nasty algae blooms because light penetration doesn't allow for algae to bloom with the higher nutrients present. And, dystrophic lakes often have very nice vegetation growing in them which can be very pesky to lake shore homeowners. Wild rice waters are dystrophic. When lakes have aged from marl to dystrophic they have become nitrogen limited instead of phosphorus limited. In the earlier phase, marl, calcium concentrations are relatively high, nutrients are higher than oligotrophic lakes and staining is moderate. In part because of the calcium concentrations fen vegetation is often present.

*What resources may be available to accomplish the actions?* Parameters that help in this investigation are nutrients (total phosphorus, total nitrogen, chlorophyll-a, dissolved organic carbon or color). And, sechhi depths range from around a meter and a half to less than a meter.

*What area(s) of the county is high priority?*

**PRIORITY CONCERN: Continued Improvement in Wastewater Management Wastewater affects public health, and beneficial uses of surface water and groundwater.**

*Why is it Important the plan focus on this concern (include or cite relevant data?):*

Cook County continues to have some of the highest water quality in the state and phosphorus loads introduced from wastewater can have a devastating impact on the resource.

*What actions are needed?* Recommended actions are continuing efforts already begun including lake by lake assessments, inspections completed within the Tofte-Schroeder Sanitary Sewer District (TSSSD) boundaries and complete updating of the ordinance. Develop a process during subdivision reviews to better identify wastewater systems requiring state permits (this references specifically the state rule related to multiple systems within one-half mile of each other all managed or developed by a common developer). Community development plans should consider regional planning efforts for areas like Lutsen. Consider shared wastewater designs, small package plants, and water conservation measures.

*What resources may be available to accomplish the actions?* Resources that may be available include MPCA wastewater staff and the Public Financing Authority.



*What area(s) of the county is high priority?* High priority areas of the County are Lake Superior near shore areas, inland lakes with development, and areas of higher density or growth (Lutsen, Tofte).

**PRIORITY CONCERN: Development and Implementation of Watershed Protection Strategies Many of the watersheds and water bodies in northeast Minnesota are still of very high quality.**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

As a consequence, it is incumbent upon the County and its municipalities to work collaboratively with state and federal partners and citizenry to safeguard the condition of these resources. Protection strategies differ from restoration approaches in that they are designed to head off expensive restoration and retrofitting efforts. They also protect property values and improve recreational opportunities for residents and visitors. While restoration and protection approaches share many of the same characteristics, they differ markedly in approach. Protection strategies emphasize innovative land use policies (e.g., low impact development, conservation design), watershed and lake association development, water resource education, civic engagement and the maintenance of physical and biological systems.

The lake Superior Basin Plan identified the protection of high quality watersheds as its top ranked priority. The emphasis on protection is also echoed by the Clean Water legacy Act and by ongoing efforts of state resource agencies to define a state-wide approach to watershed protection.

*What actions are needed?* Recommended actions include identifying high quality water bodies including identifying and ranking stressors and threats. Develop a range of strategies to protect these resources (e.g., innovative zoning techniques/ordinance updates, conservation easements, reforestation efforts, civic engagement and watershed education). Implement strategies and track success rates. Monitor and track watershed and water quality trends /development impacts to water resources.

*What resources may be available to accomplish the actions?* Resources that may be available include various state and federal grant opportunities, active participation in the MPCA major watershed restoration and protection process scheduled to start in 2013, MPCA/BWSR/EPA lake and Stream Management Plan guidance, MN Waters lake Management Plan guidance and MPCA watershed staff.

*What area(s) of the county is high priority?* High priority areas of the County are; wild rice lakes, trout streams and lakes, Outstanding Resource Value Waters, intact wetlands and flowages and lake Superior coastal area. Minn. R. 7081.0040 and Minn. Stat. 115.55 are required to be followed.

**PRIORITY CONCERN: Source Water Protection for the City of Grand Marais**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

The public drinking water supply for Grand Marais is from Lake Superior and its adjacent watersheds. This surface water based drinking water system is highly susceptible to potential contaminants entering the public water supply at a level that may result in an adverse human health impact. Protecting the drinking water for many citizens of Cook County is a wise and relatively inexpensive investment in the community's future. Additional information regarding this city's drinking water supply can be found in the Source Water Assessment located at: [www.health.state.mn.us/divs/eh/water/swp/swa/index.htm](http://www.health.state.mn.us/divs/eh/water/swp/swa/index.htm).

*What actions are needed?*

Development and implementation of a comprehensive source water protection plan as a component of a broader, county-wide water resource/land use management plan.



***What resources may be available to accomplish the actions?*** The following agencies and local units of government provided assistance in assessing the source water: Cook County, Grand Marais water utility, City of Grand Marais, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, University of Minnesota Water Resources Center/Sea Grant, Minnesota Department of Health, and the public. Over the past several years there have been diverse groups of interest discussing water quality issues within Lake Superior watersheds. There has been systematic surface water quality data collection and educational outreach programs. In addition, the Minnesota Department of Health recently established a grant program to assist public water suppliers with source water protection activities.

***What area(s) of the county is high priority?*** The area identified as the Inner Emergency Response Area in the Source Water Assessment was considered to have the highest priority for protecting the water supply. In addition, the outer source water management area for Grand Marais which includes the inner emergency response area and the Devil Track River watershed, Fall River watershed, and un-named watershed that connects the Devil Track River and Fall River watersheds is important.

***PRIORITY CONCERN: Sealing unused, unsealed wells***

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Proper well abandonment is an effective means of protecting ground water from potential contaminants that may be carried into an aquifer. Also, unused, unsealed wells can pose a safety hazard to children or animals and a potential liability to the well owner.

***What actions are needed?*** Inventory where unused, unsealed wells may be located. Develop a cost share program to aid property owners in sealing unused, unsealed wells.

***What resources may be available to accomplish the actions?*** Local units of government staff for inventory purposes. Consider county board action to establish and fund a well sealing program. Planning and zoning awareness to encourage well sealing where appropriate in land use decisions.

***What area(s) of the county is high priority?*** Wellhead protection areas. Based upon the detail of inventory, unused, unsealed wells that reach or penetrate to the same aquifer used by a public water supply system should be sealed first.

***PRIORITY CONCERN: Impaired Waters/Total Maximum Daily Loads (TMDLs)***

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. These standards define how much of a pollutant can be in a surface and/or groundwater while still allowing it to meet its designated uses, such as for drinking water, fishing, swimming, irrigation or industrial purposes. Many of Minnesota's water resources cannot currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources.

***What actions are needed?***

Addressing impaired waters in LWM plans is voluntary. However, the MPCA strongly encourages counties to consider how their LWM plans address impaired waters, as identified on the "Draft 2010 List of Impaired Waters" available below.



It is suggested the LWM plan:

- identify the priority the County places on addressing impaired waters, and how the County plans to participate in the development of TMDL pollutant allocations and implementation of TMDLs for impaired waters
- include a list of impaired waters and types of impairment(s) (see table below)
- identify the pollutant(s) causing the impairment (see MPCA website)
- address the commitment of the County to submit any data it collects to MPCA for use in identifying impaired waters, provide plans, if any, for monitoring as yet unmonitored waters for a more comprehensive assessment of waters in the County
- describe actions and timing the County intends to take to reduce the pollutant(s) causing the impairment, including those actions that are part of an approved implementation plan for TMDLs MPCA recommends counties address waters listed for pollutants/stressors other than mercury and polychlorinated biphenyls (PCB) in their LWM plans.

The Draft 2010 two-year list of impaired waters will be finalized or updated shortly upon approval from the EPA.

*What resources may be available to accomplish the actions?* The County should consider participating with other units of government in the watershed to develop and implement TMDL implementation plans once TMDL studies receive final approval by the EPA. Grant funding applications for implementation projects often request citations from local water plans identifying water bodies as County priorities. This documented commitment by the County may improve an application's ranking and ultimately the County's ability to secure implementation funding.

*What area(s) of the county is high priority?* Areas of the County that should be considered priority waters are the impaired water bodies and reaches of impaired water bodies on the Clean Water Act 303(d) TMDL List. We believe the County should consider impaired waters as a top priority for discussion in the LWM plan.

MPCA Environmental Data Access System The water quality section of MPCA's Environmental Data Access system allows visitors to find and download data from surface water monitoring sites located throughout the state. Where available, conditions of lakes, rivers, or streams that have been assessed can be viewed. We encourage the County to visit this site for water quality monitoring data which may be useful with LWM planning efforts:

<http://www.pca.state.mn.us/index.php/data/environmental-data-access.html>.

**PRIORITY CONCERN: Point Source Pollution- Taconite Harbor**

*Why is it important the plan focus on this concern (include or cite relevant data)?*

Issues with ash and cold storage

*What actions are needed?*

County access to the data and reports

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*



*PRIORITY CONCERN:* What are the finding in the monitoring wells?

*Why is it important the plan focus on this concern (include or cite relevant data)?* There are many monitoring wells around town, sometimes very close together. The public does not know what they are finding, how long they intend to monitor and what they expect to do about it. Is there any closure?

*What actions are needed?* Education of the public and land owners.

*What resources may be available to accomplish the actions?* MPCA, testing and lab results, corrective action plans- including closing cases and capping wells.

*What area(s) of the county is high priority?* Grand Marais

*PRIORITY CONCERN:* Why is the property owner closest to the lake responsible for stormwater mitigation of all the properties above them.

*Why is it important the plan focus on this concern (include or cite relevant data)?* There is a stormwater management issue in the recreation park where the city would like to create a community connection.

*What actions are needed?* Funding to help build a stormwater retention/settlement basin that fits with the community connection.

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?* Grand Marais Recreation Area

*PRIORITY CONCERN:* Large storm event verses average storm event

*Why is it important the plan focus on this concern (include or cite relevant data)?* At what point do we need to mitigate runoff from storms?

*What actions are needed?*

*What resources may be available to accomplish the actions?*

*What area(s) of the county is high priority?*

*PRIORITY CONCERN LIST:*

- On the rivers and streams the enter into lake superior an assessment of stream stability for rivers that are impaired for turbidity or sediment. This could consist of historical analysis of watershed impacts and disturbances. Assessment of stream channel in relation to whether they are connected to their floodplains and assessment of bank instability From this analysis an assessment of projects that could be completed to address stream stability issues. Some example watersheds could be Cascade River, Devil Track River, Kadunce, etc.

- Flooding and untreated stormwater in existing developed areas of the county, i.e. Tofte, Grand Marais, etc.
- Stream connectivity primarily through culverts that are improperly sized or perched at the outlet end.
- Ditch erosion on private and public roadways in the steep areas of the county, for example the ridge near Lake Superior and inland areas around the Gunflint Trail.
- Development on and near bluff areas causing unstable slopes to develop near Lake Superior or inland lakes and streams.





**DATE:** September 4, 2012  
**TO:** BWSR North Region Water Plan Committee  
**FROM:** Ryan Hughes, BWSR Board Conservationist *RH*  
**SUBJECT:** Review of Cook County Priority Concerns Scoping Document (PCSD)

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The expiration date of the current Cook County Local Water Plan (LWP) is October 26, 2014. Due to changes in staff and to allow completion of the BWSR Lake Protection Challenge Grant information so it could be included in the updated plan, the expiration date was extended on June 22, 2011

On March 22, 2011 the Cook County Board of Commissioners adopted a resolution to commit to revise and update the Cook County LWP. Cook County has actively sought input for their PCSD since August 15, 2011 through the Cook County Water Management Plan Advisory Committee, which is comprised of representatives from the SWCD, County Board, Hovland area, Poplar Lake Association, Caribou Lake Association, Road Lake Association and Tait Lake Association.

**Significant Changes from Previous Plan**

Cook County is currently operating under a BWSR two-year extension for a plan scheduled to expire October 26, 2012. The priority concerns identified in the current plan are the following

1. Water Quality Monitoring
2. Wetland Management
3. Water Quality Management
  - A. General Land Use Management
  - B. Septic Systems and Sewage Management
  - C. Stormwater and Erosion Control
  - D. Roads/Design, Construction, and Long-Term Impacts
4. Water Related Initiatives and New Resources

In my opinion the proposed priority concerns for the updated water plan are very similar to the current water plan, but prioritized in a different order. The proposed priority concerns have been prioritized to (1) address recent increased development in the area and the impacts to watersheds, (2) failing septic systems and (3) education on these priorities and other priority concerns.

<b>Bemidji</b> 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	<b>Brainerd</b> 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	<b>Duluth</b> 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	<b>Fergus Falls</b> 1001 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445	<b>Mankato</b> 1160 Victory Drive South Suite 5 Mankato, MN 56601 (507) 389-6784	<b>Marshall</b> 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	<b>New Ulm</b> 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	<b>Rochester</b> 3555 9 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889
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### **Interesting Data**

The 2010 census reported a population of 5,176 people in the County, which is a 2% increase in 10 years. Cook County covers a total area of 3,339 square miles; 1,450 of which is land and 1,889 is water. Approximately 9% of the land in the county is in private ownership.

### **Priority Concerns Input Process**

Cook County received responses from the following entities after requesting input for priority concerns:

- Grand Portage Band of Chippewa
- Flute Reed Partnership
- Poplar River Management Board
- Tofte-Schroeder Sewer and Sanitary District
- Cook County
- Cook County Soil and Water Conservation District (SWCD)
- City of Grand Marais
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Health (MDH)
- Minnesota Pollution Control Association (MPCA)

Cook County also developed the following processes to receive public input related to water resources priority concerns:

- News articles in local papers and community website ([www.boreal.org](http://www.boreal.org))
- Grand Marais Public Library
- Cook County Courthouse
- Cook County Fair
- Hovland Post Office
- Clearview General Store in Lutsen
- North Shore Market in Tofte

The responses to the public input processes are summarized in the PCSD.

### **Selected Priority Concerns**

Based on the input received through the public input process, the Cook County Water Management Plan Advisory Committee selected the following priority concerns:

1. Land Use and Development Impact on Watersheds
2. Sub-surface Sewer Treatment Systems
3. Education and Engagement
4. Groundwater
5. Stormwater
6. Wetlands
7. Surface Water Quality Monitoring
8. Impaired Waters Restoration



On July 20, 2012 Cook County distributed the PCSD to the appropriate state agencies for review. The comments are summarized as follows:

**EQB**

The agency thanked the County for sending the documents but due to a reduced level of staff they may no longer support commenting on water plans.

**MDH**

The agency strongly recommends the "Groundwater" priority concern be amended to "Protect Ground Water-based Drinking Water Sources Within Cook" due to the 104 currently registered Public Water Suppliers, 21 appropriate surface water for their domestic drinking water needs. The agency felt the process to identify the priority concerns was commendable. Additional MDH comments included background information on the susceptibility of surface water-based drinking systems to contaminants as well as recommending the County develop and implement a comprehensive source water protection plan.

*BC Response*

Based on prior discussions with the County Water Planner and BWSR Clean Water Fund applications the County is aware of this concern. MDH recommendations will be incorporated into the final plan.

**MDA**

MDA did not have any specific comments but directed the County to an MDA developed website that discusses and illustrates MDA priority concerns and recommended courses of action for local county water plans. The website is available at

<http://www.mda.state.mn.us/protecting/waterprotection/waterplanning.aspx>

MDA did comment that they realize the County does not have high levels of traditional crop and livestock production compared to other parts of the State but the MDA website comments related to drainage and targeting BMPs may have some potential relevance.

*BC Response*

I concur with the MDA. The MDA website will be reviewed for relevant priorities to be included in the final plan.

**DNR**

The DNR concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. The DNR commented about inclusion of supporting information related to failing sub-surface sewer treatment systems; education on invasive species identification, impacts and management; erosion control measures for road construction.

*BC Response*

I concur with the DNR. The DNR comments will be required to be incorporated into the final plan.

**MPCA**

The MPCA concurs with the priority concerns identified and believes the process to identify priority concerns was commendable. The MPCA comments include addressing the MPCA watershed approach in the final plan, specifically which watersheds where work will begin and when, and provide access information for the Environmental Data Access System.

*BC Response*

Information pertaining to the MPCA watershed approach timeline and watersheds will be included in the final plan.

**Board Conservationist's Recommendation**

The Cook County PCSD satisfies the requirements of M.S. 103B.312, therefore I recommend the BWSR North Region Water Plan Committee approve the Cook County PCSD and forward this document to the full board for approval.





## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Mille Lacs County CLWMP 5 Year Amendment

**Meeting Date:** September 26, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business  
**Item Type:** ☒ Decision ☐ Discussion ☐ Information  
**Section/Region:** Northern  
**Contact:** Jason Weinerman  
**Prepared by:** Jason Weinerman  
**Reviewed by:** Northern Water Planning Committee(s)  
**Presented by:** Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:** ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget  
☐ Amended Policy Requested ☐ Capital Budget  
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget  
☐ Other: \_\_\_\_\_ ☐ Clean Water Fund Budget

### ACTION REQUESTED

Approval of the Five Year Amendment of the Mille Lacs County Comprehensive Local Water Management Plan

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

On January 24, 2007, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan with a date range from 2006 to 2016. The Board required a five year update of the plan by 2011.

The County passed a resolution to amend the plan on May 31st, 2011 and submitted the updated plan to the Brainerd field office on August 6<sup>th</sup>, 2012. As part of the submission, the Mille Lacs County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the northern water planning committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the committee recommended forwarding the plan to the full board for approval.

Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55155

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In the Matter of Reviewing the Local Water Management Plan Amendment for **Mille Lacs County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

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ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN AMENDMENT

**Whereas**, the **Mille Lacs** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **August 6, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

**Whereas**, the Board has completed its review of the Plan Amendment;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

**FINDINGS OF FACT**

- 1) On **January 24, 2007**, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan from 2006 to 2016 with a requirement for an update by 2011.
- 2) On **May 3, 2011**, the Mille Lacs County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
  - A) The Cumulative Effects of Development on Surface and Groundwater
  - B) Development of TMDLs for Impaired Waters
- 4) On **August 6, 2012**, the BWSR received the **Mille Lacs** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **September 12, 2012**, the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Mille Lacs** County Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval with the following recommendations for additional action items:
  - A) Under Priority Concern 1, Objective A, include a work plan item indicating the county will work with the Department of Natural Resources to monitor and control zebra mussels and other aquatic invasive species.



- B) Under Priority Concern 1, Objective C, include a work plan item to identify groundwater contributions to surface water quality. Andrew Streitz of the MPCA should be able to provide good documentation.

6) This update will be in effect until **December 31, 2016**.

### **CONCLUSIONS**

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of **Mille Lacs** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Mille Lacs** County Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

### **ORDER**

The Board hereby approves the attached five year amendment of the **Mille Lacs County** Local Water Management Plan **January 1, 2006 to December 31, 2016**.

Dated at **St. Paul**, Minnesota, this **twenty sixth day of September, 2012**.

### **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

---

BY: Brian Napstad, Chair



DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR UPDATE FOR THE MILLE LACS COUNTY FINAL  
LOCAL WATER MANAGEMENT PLAN (LWMP)

On May 3, 2011, Mille Lacs County adopted a resolution to begin the five year update process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Update for the Local Water Management Plan to the Brainerd office of the BWSR on August 6, 2012. From my observation of the update and review process, I find that the local water management plan five year update meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the update process, the county maintained their existing Priority Concerns, which were:

1. The Cumulative Effects of Development on Surface and Groundwater
2. Development of TMDLs for Impaired Waters

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These action items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing before the Mille Lacs County Planning Commission on January 9, 2012 during the normally scheduled Commission meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted.
- MN Dept of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department of Health commends the county for activities that help protect local groundwater and drinking resources as well as assisting with well protection planning and implementation activities. The agency looks forward to continuing partnerships on groundwater and

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
4 West Building	1601 Minnesota	394 South Lake Ave.,	1004 Frontier Drive	1400 East Lyon	1160 Victory Drive S.,	261 Highway 15	2300 Silver
403 Fourth St. NW, Suite 200	Drive	Room 403	Fergus Falls, MN	Street	Suite 5	South	Creek Rd N.E.
Bemidji, MN 56601	Brainerd, MN 56401	Duluth, MN 55802	56537-2505	Marshall, MN 56258	Mankato, MN 56001-5358	New Ulm, MN 56073	Rochester, MN 55906
(218) 755-2600	(218) 828-2383	(218) 723-4752	(218) 736-5445	(507) 537-6060	(507) 389-1967	(507) 359-6074	(507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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drinking water protection issues.

- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Mille Lacs County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update  
Public Hearing Minutes  
State Agency Comments

<i><b>Bemidji</b></i>	<i><b>Brainerd</b></i>	<i><b>Duluth</b></i>	<i><b>Fergus Falls</b></i>	<i><b>Marshall</b></i>	<i><b>Mankato</b></i>	<i><b>New Ulm</b></i>	<i><b>Rochester</b></i>
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# Mille Lacs County Local Water Resource Management Plan

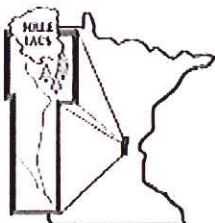
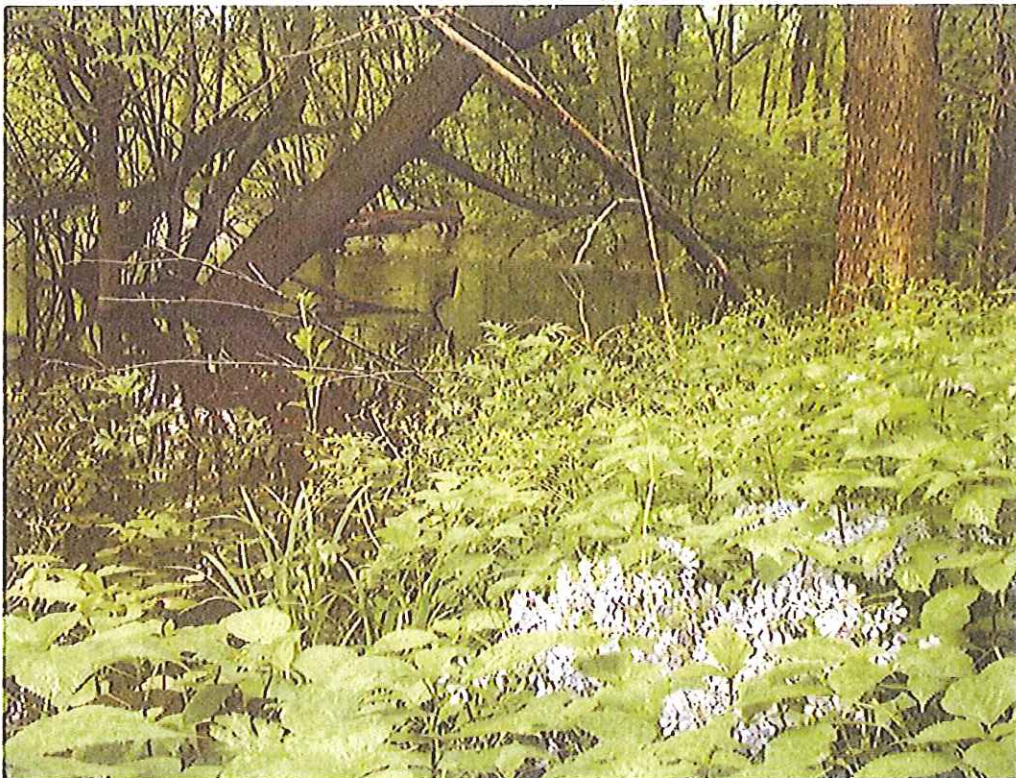
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AUG 06 2012

BD OF WATER & SOIL  
RESOURCES-BRAINERD

January 1, 2006 – December 31, 2016

## 2012 Amendments



Prepared by the Mille Lacs Soil and Water Conservation District  
and the Mille Lacs County Local Water Planning Advisory Committee





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# Mille Lacs County Local Water Management Plan Contributors

## Local Lead Agency

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(320) 983-2160

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Ray Schultz  
Marcella Hoefert  
Gene Gerth  
Jim Miller

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Jack Edmonds - District 1  
Roger Neske - District 2  
Phil Peterson - District 3  
Robert Hoefert - District 4  
Frank Courteau - District 5

## Advisory Committee & Technical Assistance

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Tim Crocker  
DNR Hydrologist

Bill Dilks  
Snake River Watershed Coordinator

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Friends of the Rum River

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## 2012 Amendment Contributors

### Local Lead Agency

Susan Shaw, District Manager      Mille Lacs Soil & Water Conservation District (SWCD)

### Advisory Committee & Technical Assistance

#### Voting Members:

<u>Jack Edmonds</u>	<u>Mille Lacs County Commissioner</u>
<u>Michele McPherson</u>	<u>Mille Lacs County Land Services Director – Advisory Committee Chair</u>
<u>Janelle Schroeder</u>	<u>Mille Lacs County Community and Veterans Services</u>
<u>Susan Shaw</u>	<u>Mille Lacs SWCD - Water Plan Coordinator, Vice Chair</u>
<u>Ray Schultz</u>	<u>Mille Lacs SWCD Board Supervisor</u>
<u>Lynn Carter</u>	<u>Mille Lacs SWCD</u>

#### Ex-officio members:

<u>Shannon Carpenter</u>	<u>Natural Resources Conservation Service</u>
<u>Bruce Cochran</u>	<u>Mille Lacs County Public Works</u>
<u>Cade Steffenson</u>	<u>Mille Lacs County Land Services – Wetland Specialist</u>
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<u>Mike &amp; Barbara Macioch</u>	<u>Mille Lacs Lake Watershed Mgmt Group</u>
<u>Tim Crocker</u>	<u>Minnesota Department of Natural Resources - Hydrologist</u>
<u>Eric Altena</u>	<u>Minnesota Department of Natural Resources - Fisheries</u>
<u>Marlin Hage</u>	<u>Minnesota Department of Natural Resources - Forestry</u>
<u>Bonnie Finnerty</u>	<u>Minnesota Pollution Control Agency</u>
<u>Scott Hanson</u>	<u>Mille Lacs Band of Ojibwe DNR</u>
<u>Jason Weinerman</u>	<u>Board of Water and Soil Resources</u>
<u>Holly Nelson</u>	<u>Isanti County Water Management Planner</u>

#### Mille Lacs County Commissioners:

<u>Jack Edmonds</u>	<u>District 1</u>
<u>Dan Whitcomb</u>	<u>District 2</u>
<u>Phil Peterson</u>	<u>District 3</u>
<u>Roger Tellinghuisen</u>	<u>District 4</u>
<u>Frank Courteau</u>	<u>District 5</u>

#### Mille Lacs Soil & Water Conservation District Board Supervisors:

<u>Linda Evans</u>	<u>District 1</u>
<u>Kurt Beckstrom</u>	<u>District 2</u>
<u>Ray Schultz</u>	<u>District 3</u>
<u>Barbara Eller</u>	<u>District 4</u>
<u>Robert Hoefert</u>	<u>District 5</u>

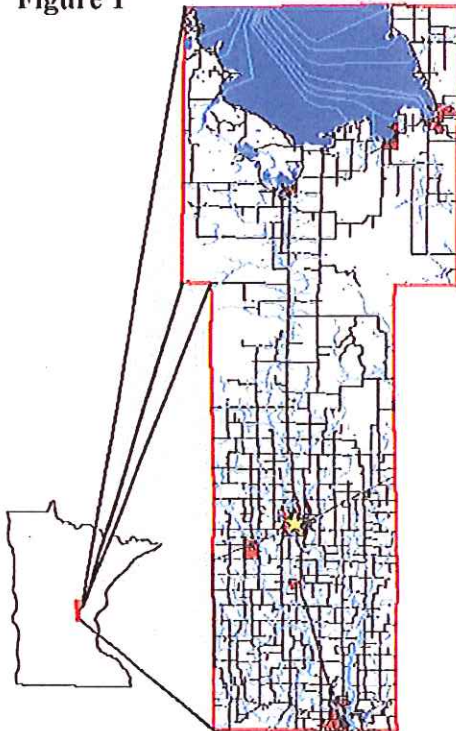
## A. EXECUTIVE SUMMARY:

### Introduction

Mille Lacs County is located in east central Minnesota 70 miles north of St. Paul, 115 miles southwest of Duluth and 29 miles east of St. Cloud. Sherburne to the south, Aitkin to the north, Benton and Morrison to the west, and Kanabec and Isanti counties on the east border it. Mille Lacs County has a total area of 574 sq miles (367,360 acres). **Figure 1** shows the location of Milaca, the County seat, and the geographic location of the County in Minnesota.

### Mille Lacs County

**Figure 1**



#### Local Water Resource Management Plan Background

The Mille Lacs County water management planning process began in the fall of 1989 when the Mille Lacs County Board of Commissioners voted unanimously to begin the process of creating a Comprehensive Water Management Plan for the county.

This event was the first purposeful comprehensive planning, preparation and designing done for the protection for all types of water to all residents in Mille Lacs County.

From that time forward, the lakes, streams, rivers, public and private well water, all groundwater, wetlands, precipitation and even run-off were recognized for the significance and meaning they provided to the quality of life in the county.

The Mille Lacs Soil & Water Conservation District has been charged with development and implementation of the Local Water Management Plan with the assistance of other county departments since its inception.

By February of 1990, the Mille Lacs Comprehensive Water Management Task Force was established with 39 members representing townships, municipalities, industry, private sector, farming and single family home ownership. Federal, state and county employees were ad hoc members to the committee. An aggressive 24 month timeline from March, 1990 through March, 1992 was established to develop the county wide plan. The first update of the Comprehensive Water Management Plan was completed in 1995.

The 2006 update was the second update and the third Water Management Plan for Mille Lacs County. This plan continues the tradition of promoting good planning and management of shared resources and will serve as a guide for resource protection through the year 2016.

#### 2012 Executive Summary Amendment

In 2011, the mid-point in this 10 year plan, the Mille Lacs County Local Water Management Advisory Committee reviewed the entire Water Management Plan to identify any issues that may have changed our priority concerns. The Advisory Committee determined that the priority concerns continue to be appropriate even given changes to the fiscal environment. Additional resource information applicable to



the Background and Assessments chapters of this plan has become available since 2006 and has been included as a January 2012 amendment summary following each discussion. Amendments to action steps within the Priority Concerns list and Implementation Schedule have been italicized within those sections.

## Purpose

The Rum River Watershed and significant tributaries of the Snake River Watershed begin in Mille Lacs County. What occurs in these watersheds not only affects the water resources used by the citizens of Mille Lacs County, but also affects the water resources of other Minnesotans living downstream in the Mississippi and St. Croix River corridors.

Mille Lacs County recognizes that without a long term mechanism for managing water resources, the opportunity will be lost to make intelligent local choices that anticipate or prevent water resource problems before the costs escalate and options are limited.

**The Mille Lacs County Local Water Management Plan is a plan for the entire County and covers all municipalities within Mille Lacs County.**

The Mille Lacs County Local Water Management Plan (LWMP) is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (M.S. 103B.301-103B.355) and is meant to function as a long term planning document. The plan seeks to identify existing and potential problems, opportunities for protection, management and development of water and related land resources in the County. Problems or opportunities identified through the planning process are prioritized and addressed within the context of watershed units and groundwater systems. Objectives and action steps to address identified priorities are based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management of activities that impact these resources.

The Mille Lacs Soil & Water Conservation District's role in the development and implementation of the Local Water Management Plan is to act as the catalyst for the water management planning process, and the integration of local initiatives with funding sources. Through involvement with the Water Management Plan Advisory Committee, local citizens, representatives from local organizations, associations and agency staff, work together to achieve efficient management and local ownership of water management initiatives.

## Accomplishments from the 1995 Water Management Plan

Since the adoption of the Mille Lacs County Local Water Management Plan many local resource projects have been implemented. The plan has sponsored annual private well water nitrate testing clinics, and many land and water treatment projects and educational activities.

One notable educational activity was a project partnering with Mille Lacs Academy students to rear Purple Loosestrife leaf eating beetles. Purple Loosestrife had been a major natural threat to wetlands in the county. An aggressive biological control program using the Purple Loosestrife leaf-eating beetles (*Galerucella* spp.) was very successful. The project was accomplished through cooperative efforts between the Minnesota Department of Natural Resources (DNR), Mille Lacs Band of Ojibwe, Mille Lacs County Agricultural Inspector, and volunteers. The Mille Lacs Band of Ojibwe began a biological control effort using the leaf-eating beetles provided by the Minnesota DNR. Once the loosestrife on Whitefish Lake was successfully controlled by the beetles they were harvested and shared with the Mille Lacs County Agricultural Inspector student volunteer group and released onto Purple Loosestrife infestations throughout Mille Lacs County.



Other successful educational programs sponsored through the water management plan have been the Area III Envirothon and 5<sup>th</sup> Grade Education Days. Both events provide an opportunity for students to participate in outdoor educational learning experiences.

Many local resource concerns have received attention following identification through the water planning process. A large water quality improvement project was undertaken with assistance from the Resource Conservation & Development to address the City of Bock's failing, 1930's era, wastewater treatment system. Discharge from that failing system was impacting Bogus Brook, a tributary of the Rum River. The improvement was completed in 2003 by piping waste water from the City of Bock to the City of Milaca's treatment facility.

Funding assistance was received through a Clean Water Partnership grant to do a three year water quality study of Mille Lacs Lake. Mille Lacs County has also partnered with the Snake River Watershed Management Board to implement land and water projects within that watershed. Additional information on the results of the Mille Lacs Lake water quality study and Snake River watershed activities are included in the surface water assessments.

## **Summary Description of Priority Concerns, Goals and Objectives**

As Mille Lacs County began the process of updating the Local Water Management Plan, input was sought from the public. A public input survey was made available to citizens through the Mille Lacs SWCD website and advertised in the local papers to be returned to the SWCD. Three public input meetings were conducted during the Local Water Management Plan update process. They were held near Princeton, Milaca and Onamia, the three main geographic areas of Mille Lacs County. An example of surveys used and a summary of the responses received have been included in the Priority Concerns Scoping Document found in the **Appendix H**.

### **Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater**

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals:

- 1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
- 2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives have been identified:

Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Objective B Improve stormwater runoff quality throughout the county.

Objective C Maintain or improve groundwater quality throughout the county.

### **Priority Concern 2: Development of TMDLs for Impaired Waters**

Total Maximum Daily Loads (TMDLs) determine if water resources can meet their designated uses. The goal of the water plan is to determine the status of TMDLs of the various water resources and protect those that currently support their designated uses, and where needed, improve those that do not.

To achieve this goal two objectives have been identified.

Objective A Assess the ability of water resources in Mille Lacs County to meet their designated uses.



Objective B Work with land managers, land owners and operators in Mille Lacs County, regardless of land use, to encourage best management practices.

Action steps identified to achieve these Objectives are found within this document under **Section B, Priority Concerns**.

## Organizations and Associations

There are a number of organizations and associations in Mille Lacs County working to protect, preserve, repair or enhance water quality. Some of these entities and the assistance programs they provide include:

<b>ORGANIZATION</b>	<b>CONTACT INFORMATION</b>
DNR Wildlife Division Private Lands Program .....	Tim Pharis-Private Lands Specialist
▪ Wildlife habitat, native grassland development, wetland restoration	(763) 689-7110
U.S. Fish and Wildlife Service .....	Lori Wolff-Wildlife Biologist
▪ Wetland Restoration - Partners for Fish and Wildlife Program	(320) 253-4682
Friends of the Rum River.....	<a href="mailto:RumRiverWatershedNews-owner@yahoo.com">RumRiverWatershedNews-owner@yahoo.com</a>
Lake Mille Lacs Association .....	<a href="http://www.mnlakes.org/SubAssociations">www.mnlakes.org/SubAssociations</a>
Mille Lacs Band of Ojibwe.....	<a href="http://www.millelacssojibwe.org">www.millelacssojibwe.org</a>
Mille Lacs County Zoning/Environmental Services.....	<a href="http://www.co.mille-lacs.mn.us">www.co.mille-lacs.mn.us</a>
Mille Lacs County Public Health.....	(320) 983-8318
Mille Lacs Lake Watershed Management Group .....	<a href="http://www.millelacswatershed.com">www.millelacswatershed.com</a>
Mille Lacs Soil & Water Conservation District (SWCD).....	<a href="http://www.millelacsSWCD.org">www.millelacsSWCD.org</a>
▪ Erosion & water quality – State Cost Share Program	(320) 983-2160
▪ Low interest financing for water quality improvement – Agricultural Best Management Practices Loan Program (AgBMP)	
Natural Resources Conservation Service (NRCS) .....	(320) 983-2154
Soil & Water Quality Assistance for Agricultural Producers	
▪ Environmental Quality Incentive Program (EQIP)	
▪ Conservation Security Program (CSP)	
▪ Grassland Reserve Program (GRP)	
▪ Continuous Conservation Reserve Program (CCRP)	
Soil & Water Quality Assistance for Ag & Non-Ag Landowners	
▪ Wildlife Habitat Incentive Program (WHIP)	
Snake River Watershed Management Board .....	(320) 679-6310

## Consistency with Other Plans

During development of the original comprehensive local water management plan, previous updates, and now the 2006 update, the most recent plans available from surrounding counties and watershed management organizations were examined to ensure consistency with their goals and objectives. Every attempt has been made to ensure that the plans were compatible with all existing local, state and regional plans and controls, and no conflicts or problems were identified.

Plans reviewed were the Mille Lacs County Comprehensive Plan of 1990, Rum River Management Plan of 1978, Wetland Guidance for the Anoka Sand Plain of September 2000, Snake River Watershed Annual Plan for 2002, Mille Lacs Lake Clean Water Partnership Report of 2003, Forest Resource Management Plan of 2005 and Water Management Plans from adjacent Counties.



## **Recommendations to Other Plans and Controls**

Mille Lacs County is currently starting the process to revise several county ordinances and update its development code. Action items in this document encourage ordinance changes that would address issues of development impacts, stormwater management and sensitive ground and surface water concerns.

Improved protection of wetland resources could occur through a Local Comprehensive Wetland Management Plan. A community-based revision of the 1978 Rum River Management Plan which acknowledges current development pressures and patterns may improve the protection of the Rum River corridor while balancing the need for economic development in the County.

## **B. PRIORITY CONCERNS**

Mille Lacs County is experiencing increasing development, especially on lakes and rivers. Through the planning process, public, local government and state agency input received pointed toward two key priority concerns. These concerns were identified as the cumulative effects of development on surface and groundwater, and the development of total maximum daily load (TMDL) information to identify potential impairment of waters.

### **Areas of Priority Concern**

Assessments of the vulnerability of water resources in Mille Lacs County led to the identification of the Rum River Watershed as an area of high priority, with specific concern in the Mille Lacs Lake sub-watershed, West Branch of the Rum River and Anoka Sand Plain areas.

The following is an outline of the Objectives and Action Steps identified to address the two priority concerns.

### **Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater**

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals: 1) To seek the protection of surface and groundwater quality in Mille Lacs County, and 2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives with action steps have been identified.

**Objective A** Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Action steps to implement Objective A include:

1. Develop a process that provides a coordinated approach to resource management as it relates to development. The process would address natural resource issues that overlap the scope of individual efforts by planning & zoning entities, Wetland Conservation Act (WCA) technical evaluation panel (TEP), Soil & Water Conservation District (SWCD), and others. This process will provide decision makers and land use planners with the information they need to make informed land use decisions by providing technical expertise. Specifically, best management practices (BMPs), focusing in the areas of erosion, sedimentation, and stormwater control.
2. Educate residents on restoring and preserving natural shoreline areas.
3. Assist landowners with shoreland and riparian best management practices and provide cost-share assistance through existing programs.
4. Educate and provide developers and communities with guidance and incentives to incorporate the use of innovative waste treatment alternatives such as cluster septic systems where appropriate.
5. Encourage the use of buffers around wetlands to ensure that wetland function is somewhat protected from direct encroachment of development and human activity within this designated buffer area. This buffer area can provide space between which human activities such as recreation, lawns, parking, storage, agriculture, etc. and wetland functions like runoff filtration, wildlife habitat, etc can coexist.
6. Develop a Geographic Information System (GIS) to assist in mapping natural resources and development activities for improved analysis of impacts. GIS is a means of electronically mapping information at the County level. Utilizing a parcel map in electronic format, a variety of information can be "layered" for the purpose of analysis. For example, a map of tax forfeited





## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Sherburne County CLWMP 5 Year Amendment

**Meeting Date:** September 26, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business  
**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Northern

**Contact:** Jason Weinerman

**Prepared by:** Jason Weinerman

**Reviewed by:** Northern Water Planning Committee(s)

**Presented by:** Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

**Attachments:** ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
|   | <input type="checkbox"/> Clean Water Fund Budget      |
| <input type="checkbox"/> Other: _____             |   |

### ACTION REQUESTED

Approval of the Five Year Amendment of the Sherburne County Comprehensive Local Water Management Plan

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

On May 23, 2007, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year update of the plan by 2012.

The County passed a resolution to amend the plan on February 6, 2012 and submitted the updated plan to the Brainerd field office on July 31<sup>st</sup>, 2012. As part of the submission, the Sherburne County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the Northern Water Planning Committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the Committee recommends approval of the Plan amendment.

Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55155

---

In the Matter of Reviewing the Local Water Management Plan Amendment  
for **Sherburne County** (Minnesota Statutes , Section 103B.311,  
Subdivision 4 and Section 103B.315, Subdivision 5.)

---

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN AMENDMENT

**Whereas**, the **Sherburne County** Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **July 31, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

**Whereas**, the Board has completed its review of the Plan Amendment;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

**FINDINGS OF FACT**

- 1) On **May 23, 2007**, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan from 2007 to 2017 with a requirement for an update by 2012.
- 2) On **February 6, 2012** the Sherburne County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
  1. Impaired and degraded lakes and streams in the Elk River Watershed
  2. Increasing urban and residential land use replacing agriculture, forest and open spaces creates a concern about water quantity and quality due to increased impervious areas
  3. Quality and quantity of riparian and aquatic vegetation
- 4) On **July 31, 2012**, the BWSR received the **Sherburne County** Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **September 12, 2012**, the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Sherburne County** Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval. The committee would also like to commend the County for its proactive stance in seeking to manage the Mississippi River Corridor.
- 6) This update will be in effect until **January 31, 2017**.



## CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of **Sherburne** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Sherburne** County Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

## ORDER

The Board hereby approves the attached five year amendment of the **Sherburne County** Local Water Management Plan **February 1, 2007 to January 31, 2017**.

Dated at **St. Paul**, Minnesota, this **twenty sixth day of September, 2012**.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES

---

BY: Brian Napstad, Chair



DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR AMENDMENT FOR THE SHERBURNE COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

On November 8<sup>th</sup>, 2011, Sherburne County adopted a resolution to begin the five year amendment process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Amendment for the Local Water Management Plan to the Brainerd office of the BWSR on July 31, 2012. From my observation of the update and review process, I find that the local water management plan five year amendment meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the amendment process, the county maintained their existing Priority Concerns, which were:

1. Impaired and degraded lakes and streams in the Elk River Watershed
2. Increasing urban and residential land use replacing agriculture, forest and open spaces creates a concern about water quantity and quality due to increased impervious areas
3. Quality and quantity of riparian and aquatic vegetation

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These actions items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing on July 24, 2012 during the normally schedule Committee meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The DNR offered the following comments for consideration:

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
4 West Building	1601 Minnesota	394 South Lake Ave.,	1004 Frontier Drive	1400 East Lyon	1160 Victory Drive S.,	261 Highway 15	2300 Silver
403 Fourth St. NW, Suite 200	Drive	Room 403	Fergus Falls, MN	Street	Suite 5	South	Creek Rd N.E.
Bemidji, MN 56601	Brainerd, MN 56401	Duluth, MN 55802	56537-2505	Marshall, MN 56258	Mankato, MN 56001-5358	New Ulm, MN 56073	Rochester, MN 55906
(218) 755-2600	(218) 828-2383	(218) 723-4752	(218) 736-5445	(507) 537-6060	(507) 389-1967	(507) 359-6074	(507) 206-2889

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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- Educate, implement and install conservation (managed) drainage systems to focus on slowing down drainage water carrying sediments and nutrients from agricultural fields and urban areas. As new agricultural drainage systems are install and old systems fail and are replaced, this would be an excellent opportunity to install these managed drainage systems to spread out run off events over a longer period of time and hold water at appropriate levels below crops to "irrigate" from below by managing local ground water levels. These same systems can be utilized in the fall after crops are harvested to hold water on fields in Type 1 wetlands for migratory waterfowl up until approximately 10 days before fields are worked up again in the spring to allow time to dry out soils for planting.
- Educate and implement the utilization of shallow lake wildlife management and designation to aide in the reestablishment of aquatic submergent and emergent vegetation in shallow lakes.
- Educate and utilize local ecotype wild rice as part of aquatic vegetation restoration efforts.
- Ensure that the City of Saint Cloud posts their test results of drinking water in their seasonal newsletter as they have done up to 2011, instead of just posting a link to a web page where the information can be seen like they did in 2012.
- Educate and utilize the new "Restorable Wetland Inventory" & LiDAR GIS layers available through the MN DNR Data Deli at <http://deli.dnr.state.mn.us/> to aide in the restoration of wetlands in Sherburne County.
- Educate and utilize managed rotational grazing techniques to provide better grazing forage and wildlife habitat.
- Educate and strongly encourage the maintaining and installation of buffer and filter strips, as well as grass waterways in addition to upland grassland habitat to reduce soil erosion, sedimentation, and provide critical wildlife habitat.
- MN Dept. of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department commends the county for recognition and identification of activities that help protect groundwater and drinking water. The county continues to assist local communities with wellhead protection plans and the department looks forward to future partnerships.

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
4 West Building 403 Fourth St. NW, Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

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- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Sherburne County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update  
Public Hearing Minutes  
State Agency Comments

<i><b>Bemidji</b></i>	<i><b>Brainerd</b></i>	<i><b>Duluth</b></i>	<i><b>Fergus Falls</b></i>	<i><b>Marshall</b></i>	<i><b>Mankato</b></i>	<i><b>New Ulm</b></i>	<i><b>Rochester</b></i>
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**Sherburne County**  
**Local Water Management Plan**

**2007 through February, 2017**  
**Amended July, 2012**



Prepared by the Sherburne Soil and Water Conservation District  
and the  
Sherburne County Water Plan Advisory Committee

**RECEIVED**

**JUL 31 2012**

**BD OF WATER & SOIL  
RESOURCES-BRAINERD**

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## Appendices

Appendix A Sherburne County Local Water Management Plan 2007-2017

Appendix 1. Surface Water, Ground Water and Related Resources

Appendix 2. Tables

Appendix 3 Maps and Figures



## Acronyms and Phrases

BMP .....	Best Management Practice
BWSR .....	Board of Soil and Water Resources
County .....	Sherburne County
CRP .....	Conservation Reserve Program
CWP .....	Clean Water Partnership
DNR .....	Minnesota Department of Natural Resources
EDA .....	Environmental Data Access
ERWS .....	Elk River Watershed
ERWA .....	Elk River Watershed Association Joint Powers Board
EPA .....	U.S. Environmental Protection Agency
EQIP .....	NRCS' Environmental Quality Incentive Program
FEMA .....	Federal Emergency Management Agency
FSA .....	Farm Service Agency of the U.S. Department of Agriculture
IBI .....	Index of Biotic Integrity
LAP .....	Lake Assessment Program
LCMR .....	Legislative Commission on Minnesota Resources
LID .....	Low Impact Development
LGU .....	Local Government Unit
MCD .....	Metro Conservation District
MDA .....	Minnesota Department of Agriculture
MDH .....	Minnesota Department of Health
MGS .....	Minnesota Geological Survey
mg/L .....	Milligrams per liter (equals parts per million)
MNDOT .....	Minnesota Department of Transportation
MPCA .....	Minnesota Pollution Control Agency
MSC .....	Mississippi River (St. Cloud) Watershed
MS4 .....	Municipal Separate Storm Sewer System
MWRPP .....	Major Watershed Restoration and Protection Plan
NALMS .....	North American Lake management Society
NEMO .....	Non-Point Education for Municipal Officials
NPDES .....	National Pollution Discharge Elimination System

NRCS .....Natural Resources Conservation Service of the U.S. Department of

Agriculture

NWR .....National Wildlife Refuge

OBWELL.....Observation Well

OHWM .....Ordinary High Water Mark

PPB .....Parts per billion (equals ug/L)

PPM.....Parts per million (equals mg/L)

PUD.....Planned Unit Development

RAL's .....Recommended Allowable Limits

RIM.....Reinvest in Minnesota

SNA.....Scientific and Natural Area

STORET ..... The EPA's water quality data base (maintained in Minnesota by the  
MPCA)

SWCD ..... Soil and Water Conservation District

SWPPP ..... Stormwater Pollution Prevention Plan

TEP ..... Technical Evaluation Panel

TMDL ..... Total Maximum Daily Load

ug/L ..... micrograms per liter (equals parts per billion)

USDA ..... U.S. Department of Agriculture

USFWS ..... U.S. Fish and Wildlife Service

USGS ..... U.S. Geological Survey

VOC ..... Volatile Organic Compounds

WCA ..... Wetland Conservation Act

WHIP ..... NRCS' Wildlife Habitat Incentive Program

WMA ..... Wildlife Management Area



## 2007 County Water Plan Advisory Committee

### Committee Members:

John Riebel  
 Lee Schlosser  
 Bryan Adams  
 Garry Anderson  
 Roger Nelson  
 Nels Andersen  
 C. Perry Schenk  
 John Weicht  
 Barbara Tucker  
 Terry Polsfuss

### Alternates:

Tiffany Babich

John Bar

### County and State Advisors:

Mark Basiletti, Water Plan Coordinator  
 Gina Hugo, Secretary  
 Nicola Blake-Bradley  
 Jennifer Oknich  
 Vonna Henry  
 Tana Haugen-Brown  
 Margaret Leach  
 Jason Weinerman

### Board, Agency or City/Township of Residence

Sherburne County Board  
 Sherburne SWCD  
 Livonia Township  
 East St. Cloud  
 Blue Hill Township  
 Livonia Township  
 Palmer Township  
 Elk River  
 Clear Lake Township  
 Palmer Township (member through March, 2006)

Big Lake Township

Becker Township

Sherburne SWCD

Sherburne SWCD

Sherburne County Zoning (member through January, 2006)

Sherburne County Zoning

Sherburne County Public Health

Sherburne County Extension

Minn. Pollution Control Agency

Minn. Board of Water and Soil Resources

## 2012 Amendment Contributors:

### Local Lead Agency

Tiffany Determan, Water Resource Specialist

Sherburne Soil and Water Conservation District

### 2012 County Water Plan Advisory Committee

#### Committee Members:

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David Berg

Nels Andersen

Garry Anderson

John Barr

Tom Hammer

C. Perry Schenk

John Weicht

Barbara Tucker

Richard Dahlman

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Bill Bronder, Interim District Manager

Francine Larson, Office Manager

Gina Hugo, Resource Specialist

Lynn Waytashek

David Katzner

Phil Votruba

Mary Monte

Jason Weinerman

#### Sherburne Soil & Water Conservation District Board Supervisors:

Douglas Hipsag

David Berg

Larry Goenner

Jason Selvog

Roger Nelson

#### Sherburne County Commissioners:

Larry Farber

Ewald Petersen

John Riebel

Felix Schmiesing

Rachel Leonard

#### Others Contributors: THANK YOU!

Town of Big Lake

Livonia Township

Benton SWCD

Baldwin Township

MN Department of Health

MN Department of Agriculture

#### Board, Agency or City/Township of Residence

Sherburne County Board

Sherburne SWCD

Livonia Township

East St. Cloud

Becker Township

Clear Lake Township

Palmer Township

Elk River

Clear Lake Township

Elk River (Alternate)

Clear Lake Township (Alternate)

Sherburne SWCD

Sherburne SWCD

Sherburne SWCD

Sherburne SWCD

Sherburne County Zoning

Sherburne County Zoning

Minn. Pollution Control Agency

NRCS

Minn. Board of Water and Soil Resources

District 1

District 2

District 3

District 4

District 5

District 1

District 2

District 3

District 4

District 5

Board Supervisors

Board Supervisors

Staff

Board Supervisors

Mark Wettlaufer

Robert Sip



## 1.0 Executive Summary

This section is an amendment to the 2007 version of the Sherburne County Water Management Plan. In 2012, the mid-point in this 10 year plan, the Sherburne County Local Water Plan Advisory Committee reviewed the Water Management plan to identify any objective, goal or action item that required amendments. The Water Plan Advisory Committee was delegated the responsibility of overseeing the development of the amended Implementation Plan. The Water Plan Committee conducted two meetings during the planning process to review and update the goals, objectives and action addressed in the plan. The Water Plan Committee also requested input from public local government units (LGU) State and Federal Agencies via a public meeting, request for comment letters and numerous requests reported in local media,. The three Priority Concerns for the 10 year plan have not changed however goals, objectives and action items have changed. The items mentioned above were added, modified or deleted depending upon the current issues and concerns.

Those items that have been amended appear in red text.

This is the fourth version of the Sherburne County Local Water Management Plan (Water Plan). The first version was adopted by the County in 1992 and was revised in 1995 and in 2002. This version of the Water Plan is in effect through February 28, 2017. The Implementation Program outlined in Section 3 focuses on the first five years of the effective time frame of the plan. In 2012, the plan will be amended to update the Implementation Program for the final five years. The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan.

Sherburne County is located in east central Minnesota. The County Seat is located in Elk River. Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.



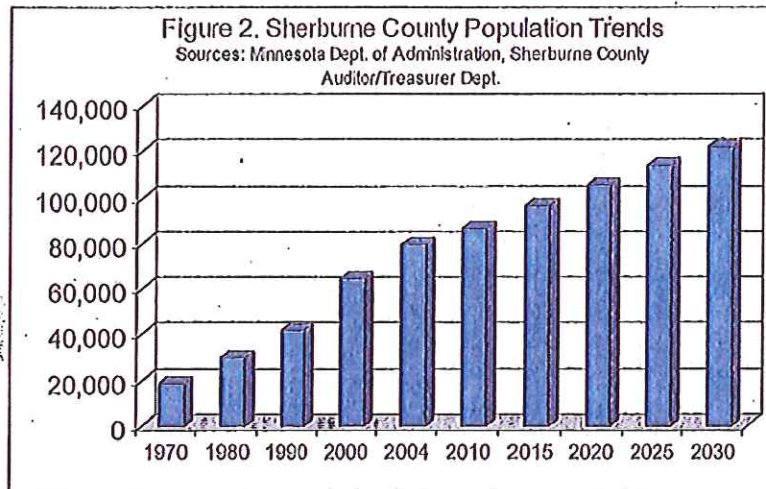
Figure 1. Location of Sherburne County

The estimated 2010 population of Sherburne County is 86,350 with 49,280 residing within incorporated areas. The County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 2). Based on birth rate statistics provided by the Sherburne County Public Health Department, the projected population increase may be conservative.



The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.

According to the U.S. Census, from 2000-2010, Sherburne County's population grew from 64,417 to 88,499 (37%). Six other counties in Minnesota experienced more overall growth. But when it comes for township population growth, Sherburne County's ten townships added 8,191 persons, more than twice as many as Beltrami (+3,408), Mille Lacs (+2,489), Scott (+2,309) and St. Louis (+2,083) counties.



### 1.1 Background on Local Water Management Planning

Comprehensive Local Water Planning began at the state level in 1985 when a statewide planning committee was formed to make recommendations to the legislature about local water planning. The Legislature, after a yearlong effort, passed Comprehensive Local Water Planning into law as Chapter 110B in the spring of 1986. In 2003, the statute governing County Water Plans was revised and is currently found in M.S. 103B. The County Water Plans are now referred to as "Local Water Management Plans".

The Sherburne County Board determined on August 2, 1989 that the Sherburne Soil and Water Conservation District (SWCD) Board of Supervisors should be the lead agency in the local water plan. The Sherburne County Water Planning Task Force, appointed by the SWCD Supervisors and County Board to represent the county's interest, met monthly starting in March 1990. It established the issues, goals, objectives, actions, and implementation strategies, and was the principal architect of the first version of the Sherburne County Water Plan. Following adoption of the County Water Plan in 1992, the County Board appointed a Water Plan Advisory Committee to review plan implementation and to update the Water Plan every five years.

### 1.2 The Purpose and Scope of the Sherburne County Local Water Management Plan

The Water Plan focuses on the quality and quantity of surface water and groundwater, and related land uses that effect water resources. The purpose of the Water Plan is:



1. To identify existing and potential problems or opportunities for the protection, management, and development of water resources and related land resources in the County
2. To identify priority concerns to be addressed during the effective time frame of the plan, and
3. To develop and implement a plan of action to address priority concerns.

The Water Plan applies to the entire geographic area of Sherburne County including incorporated and unincorporated areas.

### 1.3 Surface Water, Ground Water and Related Resources

To facilitate the planning process, the county has assembled and studied available information relating to the physical environment, surface and groundwater resources, and related land use. This information is summarized in Appendix 2 in the context of watershed units and ground water systems.

The Water Plan Advisory Committee used the assembled information to better understand the nature and condition of the County's water and water related resources.

### 1.4 Assessment of Surface Waters:

#### Impaired Waters and TMDLs:

The federal Clean Water Act (CWA) requires states to adopt water-quality standards to protect waters from pollution. These standards define how much of a pollutant can be in the water and still allow it to meet designated uses, such as drinking water, fishing and swimming. The standards are set on a wide range of pollutants, including bacteria, nutrients, turbidity and mercury. A water body is "impaired" if it fails to meet one or more water quality standard.

To identify and restore impaired waters, Section 303(d) of the Clean Water Act requires states to:

- 1) Assess all waters of the state to determine if they meet water-quality standards.
- 2) List waters that do not meet standards (also known as the 303d List) and update every even-numbered year.
- 3) Conduct TMDL studies in order to set pollutant reduction goals needed to restore waters.

MPCAs responsibilities include performing assessment activities, listing impaired waters, and conducting TMDLs in Minnesota. The agency also coordinates closely with other state and local agencies on restoration activities.

The Clean Water Legacy Act, passed in June 2006, allocates first-year funding to accelerate water monitoring, TMDL development and restoration activities throughout the state.

#### Impaired Waters:

Below is the MPCA 2010 Clean Water Act Section 303 (d) list of impaired waters in the county. The MPCA recommends counties address waters listed for pollutants/stressors other than mercury and Polychlorinated Biphenyls (PCB) in their amended LWM plans.

## Stream Impairments

Reach Name	Reach Description	River ID #	Affected designated use	Pollutant or stressor	TMDL Status
Battle Brook	CD 18 to Elk Lk	07010203-535	Aquatic life	Aquatic macroinvertebrate bioassessments	Not Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic life	Aquatic macroinvertebrate bioassessments	Not Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic recreation	Fecal Coliform	Underway
Elk River	Elk Lk (71-0141-00) to St Francis R	07010203-579	Aquatic life	Turbidity	Underway
Mississippi River	Sauk R to CSAH 7 In St Cloud	07010203-574	Aquatic recreation	<i>Escherichia coli</i>	Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic recreation	Fecal Coliform	Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic life	Fish bioassessments	Not Underway
Mississippi River	Clearwater R to Elk R	07010203-510	Aquatic life	Mercury in Fish tissue	TMDL Approved
Mississippi River	Elk R to Crow R	07010203-503	Aquatic consumption	PCB in Fish tissue	Not Underway
Mississippi River	Elk R to Crow R	07010203-503	Aquatic consumption	Mercury in Fish tissue	Completed
Mississippi River	Sauk R to University Dr S bridge In St Cloud	07010203-574	Aquatic consumption	<i>Escherichia coli</i>	TMDL Underway
Mississippi River	Sauk R to University Dr S bridge In St Cloud	07010203-574	Aquatic consumption	Mercury In Fish tissue	TMDL Approved
Mississippi River	University Dr S bridge In St Cloud to St Cloud Dam	07010203-575	Aquatic consumption	Mercury In Fish tissue	TMDL Approved
Rice Creek	Rice Lk to Elk R	07010203-512	Aquatic life	Oxygen, Dissolved	TMDL Underway
Rice Creek	Rice Lk to Elk R	07010203-512	Aquatic life	Turbidity	TMDL Underway



## Lake Impairments

Reach Name	Reach Description	Lake or wetland ID# [County# + Lake#]	Affected designated use	Pollutant or stressor	TMDL Status
Big Elk	Lake or Reservoir	71-0141-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Underway
Birch	Lake or Reservoir	71-0057-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Briggs	Lake or Reservoir	71-0146-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Julia	Lake or Reservoir	71-0145-00	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Lower Orono	Lake or Reservoir	71-0013-02	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Upper Orono	Lake or Reservoir	71-0013-01	Aquatic recreation	Nutrient/Eutrophication Biological Indicators	Not Underway
Big	Lake or Reservoir	71-0082-	Aquatic consumption	Mercury Infish Tissue	TMDL Approved
Lower Orono	Lake or Reservoir	71-0013-02	Aquatic consumption	Mercury In Fish Tissue	TMDL Approved
Upper Orono	Lake or Reservoir	71-0013-01	Aquatic consumption	Mercury Infish Tissue	TMDL Approved
Mitchell	Lake or Reservoir	71-0081-00	Aquatic consumption	Mercury Infish Tissue	TMDL Approved

### Minnesota's Watershed Approach

The 10-year watershed cycle for Intensive Watershed Monitoring (IWM) Phase I began in the spring of 2009 for the Mississippi River St. Cloud (8 digit HUC) watershed under a separate contract. Monitoring and field data collected during the Phase I assessment is in the process of being compiled. In 2010, work will begin to conduct a watershed wide assessment and monitoring effort that will result in the final deliverable of an implementation plan that will prescribe restoration and protection strategies for the surface water resources within the Mississippi River (St. Cloud) watershed. Ongoing Total Maximum Daily Load (TMDL) projects within the watershed (e.g. Elk River Watershed Association TMDL and the Upper Mississippi River Bacteria TMDL) will continue in accordance with their existing specific project work plan.

The major threats to this watershed include:

1. Loss of shoreline buffers and habitat due to development.
2. Introduction of large amounts of phosphorus, sediment, and bacteria from urban and rural sources to surface waters.
3. The combination of long, moderately steep slopes and easily erodible sandy loam soil that is inherently high in phosphorus.
4. Increased nutrient, contaminant and sedimentation loading from storm water run-off from development and other non-point sources.
5. Protecting drinking water supplies from bacteria impairments.
6. Loss of biodiversity due to competition from invasive species.
7. Relatively high percentage of agricultural and urban/residential land uses within the watershed.



### 1.5 Water Plan Priorities

The process through which priority concerns were selected is described in Section 2. The following three concerns were identified as high priority for this planning period:

- (1) Impaired and degraded lakes and streams in the Elk River Watershed;
- (2) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas; and
- (3) Quality and quantity of riparian and aquatic vegetation.

### 1.6 The Implementation Plan

The implementation plan specifies goals, objectives, and specific actions to address issues and concerns identified in the plan. Where appropriate, priority watersheds for actions are specified.

Goals, in the context of this plan, are general statements that clearly communicate what is to be accomplished over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time.

Objectives state how the goal will be accomplished by breaking it down into smaller, more specific measures that will be taken. Objectives are measurable.

Actions are specific activities that the county has identified as being necessary to achieve the goals and objectives identified in this plan. Actions include activities such as educational programs, land treatment projects, monitoring of water resources and development of ordinances and land use controls.

#### Major Projects-Completed and/or In Progress which may guide water planning action priorities:

- Mississippi River (St. Cloud) Major Watershed Restoration and Protection Project
- ERWA TMDLs (Approved June 2012)
- City of St. Cloud Landscape Retrofit Project
- City of Elk River Landscape Retrofit Project
- Sub-Watershed Analysis Projects
- Briggs Lake Chain Infrared Detection Fly-Over

The following list identifies the goals and actions as identified through the Water Planning Process (2007) as well as the amendment process (2012).

#### **Priority Concern 1.**

**Goal 1. Reduce pollutant levels for impaired lakes and streams and maintain water quality where resources meet state standards. Actions focus on the implementation of the following objectives:**

- Implement land use practices that reduce nutrient loading to surface water resources.



Goal 2. Work with MPCA as well as other federal, state and local watershed agencies to complete Major Watershed Restoration and Protection Plans (MWRPP) and associated Total Maximum Daily Loads (TMDLs). Actions focus on the implementation of the following objectives:

- Collect and complete data supporting the MWRPP process.
- Maximize effectiveness of completed TMDLs and the MPCA's MWRPP implementation strategies.

#### Priority Concern 2.

Goal 3. Mitigate the quantitative and qualitative storm water impacts to surface water from urban and residential development. Actions focus on the implementation of the following objectives:

- Retrofit stormwater treatment for developed areas with no or inadequate treatment.
- Use local controls and ordinances to reduce impacts from stormwater runoff
- Identify innovative practices to reduce stormwater runoff

Priority Concern 3. Actions focus on the implementation of the following objectives:

Goal 4. Protect, improve and establish native riparian and aquatic vegetation

- Establish riparian buffers on agricultural land
- Preserve and establish buffers of native vegetation on lakes and streams in urban and rural - residential areas.
- Provide education to landowners and LGUs regarding quality and quantity of riparian and aquatic vegetation

The total cost estimate for the implementation program is \$1,274,065 for 2012 through 2017. This cost includes existing staff time, grant funds (some of which is currently in place) USDA – NRCS funding, LGU budgets, funding by private organizations, volunteer time, and contributions from landowners for installing land treatment projects.

Some objectives and actions from the previous Water Plan version are considered on-going and will be continued. These initiatives come under the areas of enforcing existing ordinances and policies for water resource protection and the continuation of programs funded through on-going local, state and federal programs. These actions are considered essential for on-going protection of water resources in Sherburne County. These objectives and actions are listed in Section 4 of the Water Plan.

#### 1.7 Consistency with other Local, State and Regional Plans

The following plans were reviewed in preparation of this plan:

Isanti Counties

Comprehensive Plans for Sherburne County, Elk River, Big Lake, Zimmerman, Becker, Clear Lake and St. Cloud

Storm Water Pollution Prevention Plans for Sherburne County, Elk River, St. Cloud

City of Zimmerman Comprehensive Storm Drainage Plan

The Minnesota 2001-2005 Non Point Source Management Program Plan (NSMPP), MPCA

Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River at Anoka, MPCA

Minnesota Watermarks Gauging the Flow of Progress 2000 – 2010, Environmental Quality Board

Local Controls reviewed in the preparation of this plan:

Sherburne County zoning ordinance, subdivision ordinance, floodplain ordinance, recreational and scenic rivers ordinance

City of Becker subdivision ordinance, floodplain ordinance

City of St. Cloud subdivision ordinance, shoreland management ordinance, scenic rivers ordinance, floodplain ordinance

City of Elk River land development regulations, wild and scenic rivers ordinance, floodplain ordinance, shoreland management ordinance

City of Clear Lake zoning ordinance, subdivision ordinance

Zimmerman zoning ordinance, subdivision ordinance, erosion and sediment control ordinances,

City of Big Lake zoning ordinance, subdivision ordinance, floodplain ordinance, wetlands overlay district, shoreland ordinance.

The Sherburne County Local Water Management Plan is consistent with the existing local, state and regional plans reviewed.

**Plans Considered during the 2012 Amendment Process:**

In addition to those plans mentioned above, completed Total Maximum Daily Load Studies (TMDLs), and lake and management plans overlaying Sherburne County were been considered in the completion of this document. Additionally, plans from neighboring counties were reviewed to ensure consistency in the protection of regional water resources. There are no known conflicts between the Sherburne County Water Plan and other local plans regarding water resources.

DRAFT





## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Red River Basin Watershed District Plan  
Expiration Date Extension ☐

Meeting Date: September 26, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: north region

Contact: Steve Woods/Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee(s)

Presented by: Gene Tiedemann

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

### Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: \_\_\_\_\_

### ACTION REQUESTED

Approve a resolution to extend the expiration dates of watershed district plans in the Red River Basin

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The reason for extending the expiration date of these plans is to "synchronize" the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for Minnesota's 81 major watersheds. By synchronizing the watershed district plans with the MPCA assessment work we accomplish a couple of things: The watershed districts will be provided with detailed water quality assessments which can be incorporated into their plans. Secondly, both the MPCA assessment and the watershed district plan update process will be used to engage the public and stakeholders in developing an implementation plan. By synchronizing these efforts it will allow for more efficiency of local planning efforts.

The need for a resolution is primarily to offset a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states: "Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current state approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan..." Without this resolution extending the watershed district water management plan expiration dates, the watershed districts would not be eligible Clean Water Fund applicants

The resolution also includes a more flexible approach to the synchronizing of county local water management planning with the WRAP/watershed district planning schedule. With many counties having portions of multiple major watersheds within their boundaries it is difficult to set an adjusted schedule. Allowing them to petition BWSR gives them the ability to make plan adjustments that best suits county circumstances.

**Red River Basin Watershed District Plan  
Expiration Date Extension**

**WHEREAS**, the Associations of Soil and Water Conservation Districts, Counties, and Watershed Districts put forth a joint proposal to the legislature in 2012 to advance policy supporting mechanisms for increasing the effectiveness of watershed based management and diminishing the administrative burden of excessive planning ; and

**WHEREAS**, The Legislative session of 2012 produced statute changes to allow the Board of Water and Soil Resources to develop an alternative local water planning structure to promote greater local coordination and the resulting multiple benefits in the development of comprehensive watershed management plans; and,

**WHEREAS**, Water management plans need to address water management from a comprehensive perspective including but not limited to ground water and surface water quality and quantity concerns, land use, water usage, recreational use, and fish and wildlife habitat; and

**WHEREAS**, Multiple local, state, and federal governmental agencies are authorized by statute to engage in watershed assessment and planning efforts, often in partnership with non-governmental organizations; and

**WHEREAS**, The Board of Water and Soil Resources (BWSR) is authorized by M.S. 103B, 103C, and 103D; to oversee and approve local governmental unit (LGU) plans and implementation efforts; and

**WHEREAS**, Watershed District plans as authorized by M.S. 103D.401 and M.S. 103D.405 are comprehensive watershed based plans which address water management issues including water quality; and

**WHEREAS**, The Red River Basin has nearly complete coverage with watershed districts that have generally been coordinating water management on a major-watershed or larger basis; and

**WHEREAS**, The Minnesota Pollution Control Agency (MPCA) has initiated a water quality assessment program which has a 10 year cycle to assess major watersheds within Minnesota; and

**WHEREAS**, There are advantages to synchronize the 10 year MPCA monitoring and assessment schedule with the 10 year watershed district plan updates; and

**WHEREAS**, A schedule synchronizing watershed district plan updates in Red River Basin with the MPCA water quality assessment schedule has been prepared by BWSR and MPCA.



**NOW THEREFORE BE IT RESOLVED,** For the purpose of effectively synchronizing comprehensive watershed planning efforts; the BWSR will recognize the individual Watershed District plan expiration dates as follows:

<b>Watershed District</b>	<b>Plan expiration date</b>
Joe River Watershed District	April 2016
Bois de Sioux Watershed District	April 2017
Two River Watershed District	October 2017
Wild Rice Watershed District	October 2017
Red Lake Watershed District	October 2018
Roseau River Watershed District	April 2019

**BE IT FURTHER RESOLVED:** For the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed district(s).

\_\_\_\_\_  
Brian Napstad, Chair

\_\_\_\_\_  
Date



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Wilkin County CLWM Five-Year Update  
Extension ☐

Meeting Date: September 26, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: Northern Water Planning Committee(s)

Presented by: Rob Sip

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☐ Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
|   | <input type="checkbox"/> Clean Water Fund Budget      |
| <input type="checkbox"/> Other: _____             |   |

### ACTION REQUESTED

Approval to extend the required five-year update of the implementation section of the Wilkin County Local Water Management Plan until December 31, 2014.

### SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Wilkin County submitted a request for an extension of the required five-year update of the implementation section of the Wilkin County Local Water Management Plan (Plan). The existing deadline for the update of the Plan implementation section is December 31, 2012. This extension would enable the Wilkin Plan to coincide with the updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan, which is required by April 2014. Recall the required BRRWD Plan Update is included in the April 26, 2012, Order to enlargement the BRRWD which added about 320 square miles within Wilkin County to the BRRWD. The Wilkin County area now included in the BRRWD is 553 square miles. The rest of Wilkin County (184 sq miles) is within the Bois de Sioux Watershed District. The BDSWD Plan will be updated by April 2017.

BWSR staff deemed the extension request acceptable and recommended a two-year extension, which would make the Implementation Plan update deadline December 31, 2014. The Northern Water Planning Committee met September 12, 2012 and will recommend approval at the September 26, 2012 Board meeting.



Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, Minnesota 55107

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In the Matter of Extending the Comprehensive Local Water Management  
Plan for Wilkin County

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ORDER  
EXTENDING  
WATER MANAGEMENT  
PLAN

**Whereas**, the Wilkin County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan that is in effect until December 31, 2017 pursuant to Minnesota Statutes 103B.301; and

**Whereas**, the Board Order, dated May 28, 2008, required Wilkin County to update the implementation section (Goals, Objectives and Actions) of the Plan by December 31, 2012.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

**FINDINGS OF FACT**

On May 28, 2008, the Board approved the Wilkin County Comprehensive Local Water Management Plan, and Wilkin County adopted this Plan via resolution on June 9, 2008. The approved Plan is effective for a ten-year period until December 31, 2017, with a required update to the implementation section (Goals, Objectives and Actions) by December 31, 2012.

On June 19, 2012, Wilkin County approved and submitted a resolution requesting an extension of their required update to the implementation section of their Plan. This extension is requested to enable the Wilkin Plan to coincide with the Updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan.

On April 26, 2012, the Board approved the expansion of the BRRWD to include an additional 430 square miles, of which 320 square miles are within Wilkin County. The Order further required the BRRWD Overall Plan be amended or updated by April 25, 2014.

On September 5, 2012, Board staff reviewed and recommended approval of the extension request by Wilkin County.

On September 12, 2012, the North Region Water Planning Committee met in Brainerd, Minnesota to discuss Wilkin County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Wilkin County's update to the implementation section of the Comprehensive Local Water Management Plan until December 31, 2014.

## **CONCLUSIONS**

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the update of the implementation section of the Comprehensive Local Water Management Plan Update of Wilkin County.

## **ORDER**

The Board hereby approves the extension of the required five-year update of the implementation section of the Wilkin County Comprehensive Local Water Management Plan until December 31, 2014.

Dated at St Paul, Minnesota, this twenty-sixth eighth day of September 2012.

## **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Brian Napstad, Chair



## **NEW BUSINESS**

1. Clean Water Council Budget Development Process – Keith Hanson,  
Chairman, Clean Water Council - ***INFORMATION ITEM***
2. Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Clean Water Council Budget  
Development Process ☐

Meeting Date: September 26, 2012

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: \_\_\_\_\_ Committee(s)

Presented by: Keith Hanson, Chair of Clean Water Council

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

### Fiscal/Policy Impact

☐ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☒ Clean Water Fund Budget

☐ Other: \_\_\_\_\_

### ACTION REQUESTED

#### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Clean Water Council is seeking comments on its proposed Clean Water Fund budget for the 2014-2015 biennium. The Council will make budget recommendations to the Governor and the Minnesota Legislature in December.

A public comment period began September 4 and continues through Sept. 28, 2012. The Council is asking the public to comment on questions that are to be found on the Clean Water Council's webpage at [www.pca.state.mn.us/cleanwatercouncil](http://www.pca.state.mn.us/cleanwatercouncil).

The Clean Water Council needs to meet a \$185 million target for fiscal years 2014-2015 and is seeking public input. The Council is also seeking comments on how to build the long-term capacity of local government agencies to improve their ability to implement water-quality practices.

Also, the agencies with roles and responsibilities for Clean Water Fund work recently sent a letter the Council suggesting a joint effort to shape a long term vision for the Clean Water Fund.





September 13, 2012

Mr. Keith Hanson, Chair  
Clean Water Council  
520 Lafayette Road N.  
St. Paul, MN 55155

Dear Mr. Hanson:

As agencies with responsibilities for implementing the Clean Water Fund (BWSR, DNR, MDA, MDH, PFA, Met Council and PCA), our staff have submitted preliminary suggestions for Clean Water funding to the Council for fiscal year 2014-15.

Collectively, we seek to address Minnesota's long term clean water needs in preparation for the upcoming biennial budget development. During our preliminary discussions it has become evident, as it presumably also has to the Clean Water Council (CWC) members, that we need to continue to look well beyond the upcoming two year budget in order to make the most of current and future efforts.

As you know, our waters are threatened or impaired in many areas of our state. In other areas, we need to protect the high quality assets of our lakes, rivers, wetlands and groundwater. We know that ongoing funding is needed to accomplish the initial monitoring and analysis to define problems and formulate solutions. Accelerated funding is needed to secure commitments from local governments, agencies, non-government organizations and landowners to carry out targeted, science-based action plans focused on getting projects and practices in place that provide clean water. All of this work must show progress – progress that builds the tomorrow's result on today's wise investments.

We are interested in meeting with the CWC to explore a partnership discussion to anticipate and coordinate plans for Clean Water Fund (CWF) looking at short-term, mid-term and 25 year goals; we believe a 5-year increment for these goals makes sense. If you and members of the Council are similarly interested, please let us know and we will direct the inter-agency CWF coordination team to begin making arrangements as soon as possible.

Sincerely,



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John Linc Stine, Commissioner  
Pollution Control Agency



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Tom Landwehr, Commissioner  
Department of Natural Resources



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Dave Frederickson, Commissioner  
Department of Agriculture



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Dr. Ed Ehlinger, Commissioner  
Department of Health



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John Jaschke, Executive Director  
Board of Water and Soil Resources



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Susan Haigh, Chair  
Met Council



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Jeff Freeman, Executive Director  
Public Facilities Authority

cc: Inter-Agency CWF Coordination Team Members



**The Clean Water Council's proposed budget recommendations are in these categories:**

- **Monitoring and assessment programs (11-15 percent of total budget):** Continue steady funding levels to systematically determine the health of Minnesota's waters over 10 years, the first cycle of which ends in 2017.
- **Watershed restoration and protection strategies (11-14 percent):** Continue steady funding to determine the causes and solutions to pollution problems and threats until strategies have been completed in all the state's 81 watersheds.
- **Groundwater/drinking water protection (7-9 percent):** Increase funding over the minimum of 5 percent required by the constitutional amendment to protect groundwater and drinking water sources.
- **Point and nonpoint source implementation activities (57-60 percent):** Increase funding for on-the-ground activities that address runoff from fields and streets, as well as to improve infrastructure for sewage treatment and urban stormwater.
- **Applied research and tool development (6-8 percent):** Steady funding to better target and ensure that implementation efforts are successful.

**The Clean Water Council, created through the 2006 Clean Water Legacy Act, advises on the administration and implementation of Clean Water Fund dollars that are to protect, enhance and restore Minnesota's water resources. Approved by the voters in 2008, the Clean Water Fund is constitutionally dedicated funding that is appropriated every two years by the legislature. For more information, contact Celine Lyman (phone 651-757-2541, email [celine.lyman@state.mn.us](mailto:celine.lyman@state.mn.us)) or Jeff Risberg (phone 651-757-2670, email [jeff.risberg@state.mn.us](mailto:jeff.risberg@state.mn.us)).**





# BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
1	MPCA	Continue monitoring & assessment efforts to meet the 10-year cycle: Statewide monitoring and assessment work is on track to meet the 10-year schedule, at a rate of about 10 percent of the watersheds each year. By the end of 2012, intensive watershed monitoring will be completed in 52 percent of the state's watersheds and 62 percent in 2013. Intensive watershed monitoring includes biological, chemical, and habitat monitoring at an average of about sixty sites per watershed to assess the water conditions. Assessments determine what waters are impaired and serve as a basis for further analysis of watershed problems and watershed planning efforts. The program goal of assessing data for each monitored watershed within one year of completion of intensive watershed monitoring is being met.	\$15.000M	\$14.800M	\$ 15,000,000		\$ 15,000,000	
2	MPCA	Red River Watch Program	\$0.346M	\$0.200M	\$ -		\$ -	
3	MPCA	St. Croix Watershed Monitoring	\$0.500M	--	\$ -		\$ -	
4	MPCA	Wastewater Treatment Monitoring – EDCs	\$0.896M	--	\$ -		\$ -	
5	MPCA	Wild Rice study	--	\$1.500M	\$ -		\$ -	
6	MDA	Monitoring for Pesticides in Surface Water and Groundwater: Ongoing monitoring using clean water funded state-of-the-art laboratory instruments which provides increased capability and greater capacity.	\$0.675M	\$0.700M	\$ 700,000		\$ 700,000	
7	MDA	Root River Demonstration Project: Field evaluation of agricultural best management practices at multiple scales using a nested watershed approach.	\$0.395M	--	\$ -		\$ -	
8	DNR	Water quality assessment	\$3.7M		\$ -		\$ -	
9	DNR	Stream Flow Monitoring Collect stream flow information to calculate pollution loads for TMDL studies and pollution reduction plans, and to calibrate watershed models.		\$3.65M	\$ 4,250,000		\$ 4,250,000	(revised CWF Activity description from DNR)
10	DNR	Lake IBI Assessment Develop an Index of Biotic Integrity for a more holistic assessment of lake health.		\$2.3M	\$ 2,900,000		\$ 2,900,000	*
11	DNR	Fish Contamination Assessment		\$0.260M	\$ 270,000		\$ 270,000	(revised CWF Activity description from DNR)
		Monitoring and assessment total	\$21.512M	\$23.410M	\$ 23,120,000	\$20.35M-\$27.75M (11-15%)	\$ 23,120,000	



# BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
12	MPCA	<b>TMDL development: Fund TMDL projects and staff:</b> Beginning in 2008, the MPCA launched a new "watershed approach" to systematically and comprehensively conduct the state's water-quality monitoring, and restoration and protection planning needs on a 10-year cycle (10 percent of the state's 81 major watersheds per year). As the assessment process is completed in each watershed, TMDLs will be developed for impaired waters and protection strategies for unimpaired waters. These projects are called Watershed Restoration and Protection Strategies (WRAPs), and will set the reduction goals, milestones and measures to guide state and local government in their implementation efforts. Anticipated WRAP strategies will be underway in 45 of 81 watersheds by FY13. MPCA's work includes technical assistance to local government, review and preliminary approval of TMDLs and overall WRAPs, contract management, stressor identification, coordination with EPA and other state and federal agencies.	\$18,000M	\$18,800M	\$ 18,800,000		\$ 18,800,000	*  9/14 BOC: more discussion needed with CWC
13	DNR	<b>Watershed Restoration and Protection Strategies</b> Regional Technical Assistance and Statewide Coordination for Clean Water. Work with interagency teams to provide expertise data, analysis, and support for MPCA's major watershed studies. Provide information which is used in planning watershed assessments, identifying pollution types and sources, and developing watershed protection and restoration strategies that provide clean water and other ecological benefits. Coordinate statewide CWF work with DNR and external partners to ensure funds are spent in the most effective and efficient manner.	\$2,100M	\$3,460M	\$ 3,935,000		\$ 3,935,000	*  (revised CWF Activity description from DNR)
		<b>Watershed restoration / protection strategies total</b>	\$20,100M	\$22,260M	\$ 22,735,000	\$20,35M-\$25.9M (11-14%)	\$ 22,735,000	
14	MPCA	<b>Groundwater assessment:</b> Continue to enhance ambient network, modeling to support TMDL stressor ID, continued effort to look for CECs in subset of monitoring wells.	\$2,250M	\$2,250M	\$ 2,250,000		\$ 2,250,000	*
15	MPCA	Groundwater protection: (\$4M reapprop. to DNR)	\$--	--	\$	-	\$	-
16	MPCA	EQB I94 study (transfer)	--	\$0.450M	\$	-	\$	-
17	MPCA	<b>Enhanced county inspections / SSTS corrective actions:</b> In state fiscal years 2014-15, the MPCA will continue to provide \$1,500 per year/per county for SSTS fundings, and requests that the Clean Water Fund supplement the County SSTS program implementation at \$2.5 million per year, in addition to funding two MPCA SSTS staff positions.	--	\$1,570M	\$ 5,400,000		\$ 5,400,000	*  9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of \$8.4M + (see #17, 40, 63)



# BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
18	MDA	<b>Nitrates in Groundwater:</b> Actions to protect and restore groundwater from nitrates. Promote and evaluate regional and crop-specific nutrient Best Management Practices. Work directly with local communities dealing with identified nitrate problems. Facilitate planning by community public water suppliers, local farmers and fertilizer dealers. Design and implement low cost private well monitoring networks to evaluate nitrate trends in high risk areas and regionally	\$1.125M	\$1.700M	\$ 4,000,000		\$ 1,700,000	**  9/14 BOC: more discussion needed with CWC
19	MDA	<b>Irrigation Water Quality Protection:</b> Nitrogen contributions to groundwater under Irrigated agriculture can be significant in some parts of Minnesota. Funding will provide a regional irrigation water quality specialist via a contract with U of M extension. This position will develop irrigation water quality BMPs and provide supporting education and guidance.	--	--	\$ 220,000		\$ 220,000	
20	DNR	Drinking water planning and protection activities.	\$1.125M		\$ -		\$ -	
21	DNR	<b>Aquifer Monitoring for Drinking Water Protection</b> Monitor Minnesota's observation well network to collect critical aquifer level data needed for drinking water protection.						8/3 BOC: Reduced from \$3M to \$1M (revised CWF Activity description from DNR) 9/14 BOC: more discussion needed with CWC
22	DNR	Metropolitan groundwater monitoring and protection.	\$4.000M	\$1.000M	\$ 5,600,000		\$ 1,000,000	
23	DNR	<b>Water appropriation electronic permitting development:</b> An electronic permitting system will increase efficiency of tracking water appropriations and substantially reduce workload for staff that currently process individual "paper" permits. The system will screen permit applications, automatically issue permits as appropriate, and send permits that require additional review to hydrologists for processing.			\$ 200,000		\$ -	**
24	BWSR	<b>Permanent conservation easements: wellhead protection:</b> Permanent Conservation Easements on wellhead protection areas under MS 103F.515 Subd. 2, paragraph (d). Must be in drinking water supply management areas designated as high or very high by the Commissioner of Health.		\$2.6M	\$ 3,600,000		\$ 2,600,000	8/3 BOC: Reduced from \$3.6M to \$2.6M



# BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
25	MC	<b>Twin Cities metro water supply plan implementation:</b> Metropolitan Council's responsibility for implementing the Twin Cities Metropolitan Area Master Water Supply Plan ensures that local water supply development is coordinated and aligned with both regional and local growth and land use policies to achieve a sustainable water supply. In 2015/2016, all 186 communities in the seven-county metropolitan area will begin updating their local water supply and comprehensive plans. Water supplies in these communities support over half of Minnesota's population. Providing tools and information early in the planning process ensures a more coordinated and regionally sustainable approach to meeting half of the state's municipal water demand. Implementation of the Twin Cities Metropolitan Area Master Water Supply Plan will result in multiple projects that support protection, better management, and sustainable development of the region's water supplies. Project results will help guide land-use decisions and resource-monitoring strategies, prioritize management activities, and avoid adverse water resource impacts from projected land use changes.	\$0.800M	\$1.000M	\$ 1,400,000		\$ 800,000	**  9/14 BOC: more discussion needed with CWC
26	MC	<b>Regional groundwater recharge areas – identification and classification:</b> The project will identify and rank regional recharge areas to protect and enhance the drinking water supply in the metropolitan area. This project will demonstrate how water supply planning can be aligned with regional development planning. Project results will be used to help: 1. Guide land use decisions, resource monitoring strategies, and to prioritize management activities that support the sustainable development and operation of our region's water supply systems. 2. Inform community plan development by providing local recharge area information, potential locations for artificial recharge and protection priorities to support local water supply management.			\$ 166,000		\$ 166,000	
27	MIDH	<b>Contaminants of emerging concern program:</b> With tens of thousands of chemicals in use and guidance available for only a few hundred, it is important that the CEC program is sustained over the long-term. The program will continue to develop guidance for contaminants (which supports the work of other state agencies who monitor for these contaminants) to protect human health, advance the science of risk assessment through contracted research programs, and provide outreach and education materials to the public.	\$1.335M	\$2.040M	\$ 2,500,000		\$ 2,000,000	**  8/3 BOC: Increased from \$1M to \$2M 9/14 BOC: more discussion needed with CWC



# BOC worksheet for proposed FY14-15 budget development

Revised DRAFT 9-14-12

#	Agency	Clean Water Fund Activity	Approp. FY10-11	Approp. FY12-13	Agency Proposals FY14-15	% Funding Range recommendations for categories	BOC Proposals FY14-15	NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.
28	MDH	<b>Source water protection:</b> MDH has set a goal to have wellhead protection plans approved for all 935 community water suppliers that use groundwater by 2020, providing CWF funding continues. The Source Water Protection Grant Program which supports the efforts by public water suppliers to protect sources of public drinking water will likely continue throughout the extent of the Clean Water Land and Legacy Amendment.	\$2.415M	\$2.830M	\$ 3,500,000		\$ 3,500,000	
29	MDH	<b>County Well Index enhancement:</b> The County Well Index (CWI) is the principle statewide database of well construction and related information that is used by the public and private sectors to understand and manage Minnesota's groundwater resources. There has never been long-term funding available to maintain or update the CWI even though it is used extensively by a wide range of stakeholders (realtors, well contractors, counties, home owners, etc.). Among the improvements to CWI, this initiative will 1) link well data housed at other state agencies so it is available to users; 2) eliminate a backlog of 70,000 well records; 3) update and edit another 430,000 records to eliminate errors and reflect understanding of subsurface hydrogeological conditions; and 4) define CWI capabilities needed by internal and external users for well construction, subsurface geological and well water-quality data.	--	\$0.668M	\$ 1,000,000		\$ 1,000,000	9/14 BOC: more discussion needed with CWC
30	MDH	<b>Well Sealing Cost Share:</b> There will be an ongoing need to fund well sealing into the foreseeable future. There are between 250,000 and 500,000 unused unsealed wells. Approximately 6000 wells are sealed per year. Funding from the Clean Water Fund supplements other efforts to properly seal these wells which protects public health and groundwater.	--	\$0.500M	\$ 1,000,000		\$ 500,000	8/3 BOC: Reduced from \$1M to \$0.5M 9/14 BOC: more discussion needed with CWC
31	MDH	<b>Private Well Water Supply Protection</b>			\$ 1,000,000		\$ -	**



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32	MDH	<b>Lake Superior Beach Monitoring:</b> This program was funded through EPA last year. At this time there is no funding in the proposed EPA budget for the next year. If funds become available through EPA, no funds would be required from the Clean Water Fund. All 80 beaches will be initially characterized as to extent of recreational use, past monitoring results, potential risks and other factors. Based on this evaluation, 40 beaches will be selected and placed into two categories with different monitoring frequencies; once per week or twice per week. Changes in conditions may cause a beach to change categories. Monitoring results will be used to inform the public, find the sources of bacterial contamination and address polluted runoff from improper waste disposal.			\$ 250,000		\$ -	**
		<b>Groundwater / drinking water total</b>	\$13.050M	\$17.908M	\$ 32,086,000	\$12.95M-\$16.65M (7-9%)	\$ 21,136,000	
33	MPCA	<b>Great Lakes restoration project:</b> Great Lakes restoration projects in agreement with the U.S. Army Corps of Engineers, conducting sediment assessments. Requires at least a 65:35 non-state local match for every CWF dollar.	\$0.950M	\$1.500M	\$ 1,500,000		\$ 1,500,000	
34	MPCA	<b>Wastewater Beneficial Reuse Grant</b>	\$4.669M	--	\$ -		\$ -	* Maintain funding level but coordinate with BWSR
35	MPCA	<b>Clean Water Partnership:</b> Provides grants to protect and improve the basins and watersheds of Minnesota; provides financial and technical assistance to study water bodies with non-point source pollution problems, develop action plans to address the problems, and plan implementation to fix the problems.	\$2.500M	\$2.000M	\$ 2,000,000		\$ 2,000,000	protection / restoration grants process or move program to BWSR 9/14 BOC: more discussion needed with CWC
36	MDA	<b>AgBMP Loan Program:</b> Provides low interest loans throughout the state to farmers and rural landowners to help finance practices, structures and other improvements that reduce or eliminate water pollution. This loan program is administered by local governments, has very low transaction cost, and as loans are repaid, the repayments are used to fund additional projects.	\$4.500M	\$9.000M	\$ 3,000,000		\$ 3,000,000	



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37	MDA	<p><b>Technical Assistance:</b> Provide technical assistance on impaired waters issues in agricultural landscapes. Ensure that current and accurate technical information on agricultural practices is provided to farmers and other end users and to promote the adoption of BMPs. BMP implementation and effectiveness will be examined, tools will be developed to target conservation practices to critical areas of the landscape and more precise information on non-point contributions to impaired waters will be obtained. Pilot projects and demonstration sites will be implemented that empirically validate and demonstrate cropping BMPs and recommended drainage practices. Includes funding to support the new MN Agricultural Water Quality Certification Program.</p>	\$2.265M	\$1.550M	\$ 7,500,000		\$ 2,000,000	<p>9/14 BOC: more discussion needed with CWC</p>
38	DNR	<p><b>Nonpoint source restoration and protection activities</b></p> <p>Provide expertise to help local communities restore and manage landscapes for clean water and long-term ecosystem health. Provide support with targeting conservation efforts, designing and implementing projects, and building community capacity to manage for healthy watersheds.</p> <p>(8/28 DNR comment: This portion of the former "shoreland stewardship" work needs to be re-categorized to the Nonpoint Source Restoration and Protection Category to accurately reflect the nature of the work.)</p>	\$0.500M		\$ 2,000,000		\$ 2,000,000	<p>Change made 8/28: DNR recommends split funding: \$2M for Nonpoint source restoration and protection activities (#38); \$1.919M for Applied Research and Tools (#57).</p>
39	DNR	Mississippi River Critical Area	\$0.500M	--	\$ -		\$ -	8/3 BOC: Use \$2.5M for local capacity
40	BWSR	<p><b>Surface and drinking water protection / restoration grants:</b> Grant and incentive funding for clean surface and source water best management practices and projects provided through grants and contract with local units of government (of this amount, \$3M is for county SSTS implementation).</p> <p>• BOC proposal is to allocate \$2.5M for local capacity.</p>	\$39.324M	\$27.5M	\$ 36,000,000		\$ 36,000,000	<p>9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of \$8.4M + (see #17, 40, 63)</p>
41	BWSR	<b>Targeted local resource protection and enhancement grants:</b> Enhance local government efforts to develop and implement water resource protection and management measures that go beyond state minimum standards for wetlands, shorelands, stormwater, sewage treatment, etc. and undertake related projects to restore impaired waters and protect high quality resources.		\$6.0M	\$ 7,000,000		\$ 7,000,000	
42	BWSR	<b>Measures, results and accountability:</b> Conservation quality assurance by providing oversight, assessment, assistance and reporting of local government performance and results.		\$1.8M	\$ 1,800,000		\$ 1,800,000	



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43	BWSR	Conservation drainage management and assistance: For conservation drainage program in consultation with the Drainage Work Group to improve surface water management by providing grants for pilot projects to retrofit existing drainage management systems with water quality improvement and retention practices		\$2.0M	\$ 3,400,000		\$ 3,400,000	
44	BWSR	Permanent conservation easements: riparian buffers: Purchase and restore permanent conservation easements on riparian lands adjacent to public waters, except wetlands. Establish buffers of native vegetation that must be at least 50 feet where possible and no more than 100 feet		\$12.0M	\$ 16,000,000		\$ 16,000,000	9/14 BOC: more discussion needed with CWC
45	BWSR	Technical evaluation: Statutory mandate to annually evaluate a sample of up to 10 habitat restoration projects, beginning July 1, 2011. BWSR and DNR have been collaborating on implementing state statute (Laws of MN 2011, First Special Session, Ch. 6) that requires restoration evaluations to be conducted on habitat restoration projects completed with funds from the Clean Water Fund, Outdoor Heritage Fund and Parks and Trails Fund.		\$168K	\$ 168,000		\$ 168,000	
46	BWSR	Community Partners Clean Water Program: Increasing citizen participation in implementing water quality projects and programs to increase long term sustainability of water resources. The efforts and resources of active and engaged community groups, such as lake associations, non-profits, and conservation groups, will be supported. This effort will be delivered through local collaboration using a new 'small grants partners' program.		\$3.00M	\$ 5,000,000		\$ 5,000,000	
47	MDA	Manure Applicator Education: Funding to develop training manuals, for resource materials and for a contract specialist educator for training two levels of manure applicators (senior applicators and field hands). Manure application can be a significant source of nutrient losses and current efforts are not adequate.		--	\$ 410,000		\$ 200,000	Moved to nonpoint source implementation category. 9/14 BOC: more discussion needed with CWC
		Nonpoint source implementation total	\$54.708M	\$69.118M	\$ 85,368,000	Total implementation range (PS and NPS): \$105.45M - \$111M (57-60%)	\$ 79,868,000	
48	MPCA	Incorporate civic engagement into new and current Clean Water Fund watershed projects.	\$0.250M	--				
		Education and civic engagement total (For FY14-15, funding for this activity will be allocated to existing clean water projects, rather than through a separate line item in the proposed Council budget.)	\$0.250M	--	\$ -		\$ -	Eliminate category and embed civic engagement into existing projects



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49	MPCA	Coal tar stormwater research BMP	\$0.500M	--	\$ -	-	\$ -	
50	MPCA	TMDL research and database development: Incrementally connect data management systems, and eventually develop a Watershed Portal that will interface with existing systems to provide staff with a central location for reporting, analysis, and data management of the watershed data.	\$0.500M	\$2.300M	\$ 2,300,000		\$ 2,300,000	*
51	MPCA	Interagency water database and portal development: The Watershed Data Integration Project (WDIP) continues to improve the accessibility to a breadth of water-related data from multiple MPCA water programs. WDIP will continue for the next 2 biennia (state fiscal years 2014-17), at a cost of \$2 million/biennium (plus inflationary increases). After state fiscal year 2017, WDIP will cease to operate as a stand-alone IT project, and will become incorporated into the overall MPCA IT budget for on-going maintenance. An interagency team has begun developing a watershed data portal concept. The portal would allow a user to access data from multiple agencies from one webpage, versus having to search multiple agencies' websites. The project scope has been preliminarily narrowed to the ~30 highest priority data sources, but is still a very large undertaking. The creation of the portal is estimated at this time to be about \$17 million over ten years. The initial request for state fiscal years 2014-15 would be \$3 million of that total.						** 8/3 BOC: Increase to \$0.5M? \$0.25M? Leave at \$0M? 9/14 BOC: more discussion needed with CWC
52	MPCA	FY11 Legislative Priority: Nitrate-Nitrogen rule	\$0.600M	--	\$ -	-	\$ -	
53	MPCA	Application of Water Standards: Proposed new effort to identify and pilot options for implementing standards, not to develop new standards. The proposed new funding would allow the MPCA to work with regulated parties to identify new or more efficient ways of meeting standards at wastewater treatment facilities (municipal and industrial). Examples include: 1) Newly proposed, or soon-to-be-proposed standard (for example the anticipated standard for nonylphenol ethoxylates) or the standard development and rulemaking effort is already underway. The requested funding requested would be used to work with permittees to identify the best treatment or pollution prevention options. 2) Existing standard that is being newly applied to regulated facilities as a result of new data. Examples include chloride and sulfate, which are being identified as pollutants of concern for significantly more permitted facilities.			\$ 1,500,000		\$ -	**



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54	MPCA	Stormwater research and guidance: Minimal Impact Design Standards (MIDS) Project - MPCA's MIDS Project received clean water funding in FY10-11 and FY12-13. Through the MIDS Project the MPCA is creating a package of stormwater runoff performance goals, credits, easy-to-use calculator and ordinance goals for better stormwater quality and reduced runoff volumes by mimicking natural hydrology. To date, the MPCA developed a new development performance goal (treat the first 1.1 inches of runoff from impervious surfaces), beta calculator and foundational science for crediting best management practices (BMPs) for Minnesota conditions. MPCA expects to complete the MIDS Project by the end of FY2013.	\$0.145M	\$0.800M	\$ 550,000		\$ 2,350,000	8/3 BOC: Increased from \$0.55M to \$2.35M 9/14 BOC: more discussion needed with CWC
55	MDA	Academic Research/Evaluation: Projects focus on supporting the development of agricultural BMPs and quantifying agricultural contributions to impaired waters with a focus on gaining a better understanding of the processes that underlie these contributions. BMPs will be developed and evaluated to protect and restore water resources while maintaining productivity.	-	\$2.100M	\$ 2,100,000		\$ 2,100,000	
56	MDA	Research Inventory Database: Funding to develop, populate and promote a database that contains existing water-related research. This user-friendly, searchable database will provide researchers, water planners, and the public with fast access to a centralized inventory of all types of research related to water in, or relevant to, Minnesota. Currently, many research findings are scattered across websites, reports, journals and other media and are not readily accessible to most people.	-	\$0.350M	\$ 250,000		\$ 250,000	**
57	DNR	Applied research and tools Provide hydrologic expertise to improve understanding of the implications of drainage on watershed health; maintain & update watershed boundaries, integrate LiDAR with watershed modeling; assess risks to forested watersheds; biomonitoring database.	-	\$3.450M	\$ 1,919,000		\$ 1,919,000	8/3 BOC: Increased from \$3.45M to \$3.919M Change made 8/28: DNR recommends split funding: \$2M for Nonpoint source restoration and protection activities (#38); \$1.919M for Applied Research and Tools (#57). (revised CWF Activity description from DNR)
58	DNR	High resolution elevation data	\$5.600M	\$2.700M	\$ -		\$ -	



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59	DNR	County geologic atlases: Work with the Minnesota Geological Survey to complete or update County Geologic Atlases that provide critical groundwater and geology information to local governments.	\$1.000M	--	\$ 850,000		\$ 850,000	(revised CWF Activity description from DNR)
		<b>Applied research and tool development total</b>	\$9.755M	\$11.700M	\$ 12,469,000	\$11.1M-\$14.8M (6-8%)	\$ 9,769,000	
60	MPCA	NPDES wastewater/stormwater TMDL implementation: Staffing costs for implementation efforts.		\$1.600M	\$ 2,000,000		\$ 2,000,000	
61	PFA	TMDL grants (WWTP and stormwater): Provides 50% grants up to \$3 million to help municipalities implement wastewater and stormwater projects to comply with wasteload reductions required by TMDL implementation plans.	\$21.650M	\$22.370M	\$ 28,000,000		\$ 28,000,000	
62	PFA	Phosphorus reduction grants	\$8.550M	\$8.550M	\$ -		\$ -	
63	PFA	Small Community Wastewater Treatment Program: Provides loans and grants to assist small communities to replace non-complying septic systems with new individual and cluster subsurface sewage treatment systems (SSTS) that will be publicly owned and operated. Technical assistance grants up to \$40,000 to contract with consultants and licensed SSTS professionals for feasibility studies and technical assistance. Construction financing up to \$500,000 per year through 1% loans, with 50% grants if below average MHL.	\$2.500M	\$2.500M	\$ 4,500,000		\$ 4,500,000	9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of \$8.4M + (see #17, 40, 63)
		<b>Point source implementation total</b>	\$32.700M	\$35.020M	\$ 34,500,000	Total implementation range (PS and NPS): \$105.45M - \$111M (57-60%)	\$ 34,500,000	
64	MPCA	Clean Water Council budget	-	-	\$ -		\$ 350,000	Continued administration by MPCA; line item added to increase transparency
	Total		\$151.200M	\$179.429M	\$ 210,278,000	FY14-15 Target: \$185,000,000	\$ 191,128,000	



## BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Grants Monitoring Report ☐

Meeting Date: \_\_\_\_\_

Agenda Category:

☐ Committee Recommendation

☒ New Business

☐ Old Business

Item Type:

☐ Decision

☐ Discussion

☒ Information

Section/Region:

Land and Water Section

Contact:

Tim Dykstal

Prepared by:

Tim Dykstal

Reviewed by:

Committee(s)

Presented by:

Tim Dykstal

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:

☐ Resolution

☐ Order

☐ Map

☒ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: \_\_\_\_\_

### ACTION REQUESTED

None. Information only.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

On June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation, and Verification Policy. Staff will present the first report on these activities as provided in this Policy.



## FY2012

### Grants Monitoring, Reconciliation and Verification Report

September 2012

#### Introduction

On June 22, 2011 the Board adopted the Grants Monitoring, Reconciliation and Verification Policy which provided that:

- BWSR staff will annually monitor all grants;
- Competitive conservation program grants will be paid in three scheduled payments; and,
- Financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually.

This policy was implemented beginning in FY2012. The implementation plan provided that the BWSR Grants Administrator will annually present a grants monitoring report at the June meeting of the Board.

#### Policy Implementation

BWSR staff have implemented the policy consistent with the Implementation Plan reviewed by the Board when the Policy was adopted.

1. Conservation Program and Operations Grant (CPOG) Monitoring. The Policy called for BWSR staff to review and approve all required annual reports consistent with the appropriate deadline, which is February 1 for grants activity that occurred in calendar year 2011 and July 31 for grants that expired on June 30, 2011. In January 2012, staff installed a grant monitoring journal in eLINK to further document informal conversation, emails, and other contact with grant recipients as part of the BWSR oversight and monitoring process.

Implementation of the new Biennial Budget Request (BBR) process coincided with this emphasis on recording grants monitoring activity. As a result, eLINK may not fully reflect all the monitoring that occurred on BWSR 2011 grants. An update will be provided at the meeting.

2. Project Grants Payments Schedule. The FY2012 Clean Water Fund Competitive Grants that were approved by the Board on December 14, 2011 included the following grant payment schedule:

- An initial payment of 50% after the grant agreement is executed;
- A midterm payment of 40% after a midterm reconciliation has been approved by BWSR; and
- A final payment of 10% will be made upon final grant reconciliation.

Beginning with FY13, competitive project grants are being paid on this schedule.

3. Grant Verifications. In a grant verification, BWSR staff meet with staff from the selected grantee to review documentation that funds were expended consistent with the grant agreement. A variety of

documents and information is provided by the grantee that includes: position descriptions, timesheets, payroll records, payment records, contracts, and technical project information.

Staff selected the following counties for the initial round of grant verifications:

- Aitkin
- Mahnommen
- Pope
- Stearns
- Freeborn
- Goodhue
- Meeker
- Nobles
- Carver

These first grant verifications were conducted on a pilot basis and used as a means to test and develop procedures and identify how and what information is necessary to document the expenditure of grant and match funds. No grantees were found to be out of compliance with BWSR grant requirements. However, in almost all verifications tracking of grantee staff time to grant activities was not adequately done. This is important when grant and match funds are being used to pay staff time.

Another concern identified during verifications is that grant funds by some grantees lost their "identity" by being deposited into a general fund. In all cases, grantees were able to demonstrate expenses that met or exceeded BWSR grant funds plus any required match, but it was not always possible to ensure that grant funds paid for grant related activities.

Next Steps. In early 2012, BWSR contracted with the DNR for an audit that would review BWSR's internal controls over compliance with applicable laws and policies pertaining to its grant functions. While the audit noted that "great strides have been made" in BWSR's grant process "towards the goal of constructing an effective and efficient control structure that addresses risks and maintains compliance, without excessively burdening business practices and customer relations," the audit also identified some discrepancies in BWSR's approved exceptions to Office of Grants Management (OGM) policies that will need to be addressed to bring BWSR into full compliance. Responding to the recommendations in the audit will be a part of our work in the coming year.

The addition of Tim Dykstal as the Fiscal Compliance Director offers BWSR additional skills to ensure the Policy is being implemented as effectively and efficiently as possible. Tim and an ad-hoc staff team mapped the competitive grants process in great detail this summer, in preparation to fully assess the risks within it, and to assist in the development of additional internal controls. The Grants Monitoring Team is also conducting three early grant verifications this September and October, so that changes to strengthen BWSR's Grants Monitoring, Reconciliation and Verification Policy can be in place before FY2013's regularly scheduled round of verifications.